THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 27, 2019

Assembly called to order at 1:33 p.m.
Mr. Speaker presiding.
Roll called.
All present except Assemblyman Hambrick, who was excused, and one vacant.
Prayer by the Chaplain, Captain Leslie Cyr.

Lord God, we thank You for this day. We thank You for the breath on our lips and how we live and move and have our being. We remember today those who in service to our country gave their all unto death for the freedom we enjoy and hold dear. We thank You for their commitment and resolve, their lives, and their sacrifices. We acknowledge that these individuals had families and loved ones, hopes and dreams. Our hearts speak to the fallen soldier today, we honor you, we thank you, and we pray we may be found worthy of your sacrifice.

My attention turns to today's Assembly, that there would be thoughtfulness and carefulness as legislation is brought forth to the benefit our state and its people. I ask for a blessing of wisdom and prudence in the matters of the day. God bless you. In Jesus' Name I pray.

AMEN.

Pledge of allegiance to the Flag.

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

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 456, 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 Commerce and Labor, to which was referred Assembly Joint Resolution No. 10, 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 Ways and Means, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 229, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 92, 264, 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 Ways and Means, to which was referred Assembly Bill No. 104, 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 Ways and Means, to which were rereferred Assembly Bills Nos. 150, 276, 331, 476, 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 Ways and Means, to which were rereferred Assembly Bills Nos. 271, 322, 383, 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 Ways and Means, to which was referred Assembly Bill No. 501, 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 Ways and Means, to which was referred Assembly Bill No. 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 73, 161, 175, 205, 242, 336, 367.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 15, Amendment No. 695; Assembly Bill No. 50, Amendment No. 835; Assembly Bill No. 60, Amendment No. 726; Assembly Bill No. 64, Amendment No. 866; Assembly Bill No. 66, Amendment No. 909; Assembly Bill No. 70, Amendment No. 878; Assembly Bill No. 112, Amendment No. 806; Assembly Bill No. 132, Amendments Nos. 740, 858; Assembly Bill No. 140, Amendment No. 703; Assembly Bill No. 141, Amendment No. 739; Assembly Bill No. 166, Amendment No. 805; Assembly Bill No. 222, Amendments Nos. 804, 913; Assembly Bill No. 244, Amendment No. 809; Assembly Bill No. 286, Amendment No. 728; Assembly Bill No. 288, Amendment No. 769; Assembly Bill No. 299, Amendment No. 892; Assembly Bill No. 301, Amendment No. 696; Assembly Bill No. 307, Amendment No. 826; Assembly Bill No. 340, Amendment No. 746; Assembly Bill No. 376, Amendments Nos. 803, 925; Assembly Bill No. 378, Amendments Nos. 852, 889; Assembly Bill No. 393, Amendment No. 766; Assembly Bill No. 400, Amendment No. 791; Assembly Bill No. 417, Amendment No. 771; Assembly Bill No. 434, Amendment No. 772; Assembly Bill No. 439, Amendment No. 773; Assembly Bill No. 443, Amendment No. 792; Assembly Bill No. 457, Amendments Nos. 661, 692; Assembly Joint Resolution No. 1, Amendment No. 836; Assembly Joint Resolution No. 2, Amendments Nos. 798, 884, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 139, Amendment No. 961; Assembly Bill No. 282, Amendment No. 839; Assembly Bill No. 303, Amendment No. 800; Assembly Bill No. 353, Amendments Nos. 674, 861; Assembly Bill No. 421, Amendments Nos. 808, 963; Assembly Bill No. 492, Amendments Nos. 704, 896, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 416, Amendments Nos. 906, 907, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 422, Amendments Nos. 807, 965; Assembly Bill No. 477, Amendments Nos. 736, 960, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 504, 508, 509, 511.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 130, 314, 363, 544.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 713 to Senate Bill No. 13; Assembly Amendment No. 714 to Senate Bill No. 15; Assembly Amendment No. 735 to Senate Bill No. 33; Assembly Amendment No. 715 to Senate Bill No. 35; Assembly Amendment No. 716 to Senate Bill No. 66; Assembly Amendment No. 797 to Senate Bill No. 67; Assembly Amendment No. 779 to Senate Bill No. 131; Assembly Amendment No. 701 to Senate Bill No. 179; Assembly Amendment No. 832 to Senate Bill No. 224; Assembly Amendment No. 783 to Senate Bill No. 267; Assembly Amendment No. 794 to Senate Bill No. 298; Assembly Amendment No. 722 to Senate Bill No. 300; Assembly Amendment No. 784 to Senate Bill No. 320; Assembly Amendment No. 717 to Senate Bill No. 336; Assembly Amendment No. 785 to Senate Bill No. 350; Assembly Amendment No. 775 to Senate Bill No. 395; Assembly Amendment No. 712 to Senate Bill No. 407.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 25, 2019

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 151, Amendment No. 890, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 376, 497, 523, 524, 537, 541.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 346.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 669 to Senate Bill No. 20; Assembly Amendments Nos. 671, 820 to Senate Bill No. 73; Assembly Amendment No. 731 to Senate Bill No. 364; Assembly Amendment No. 721 to Senate Bill No. 382.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 786 to Senate Bill No. 403.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Assemblywoman Jauregui moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly rescind the action whereby Assembly Bill No. 538 was passed.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 538 be taken from General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 130.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 314.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 346.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 363.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 376.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 497.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Taxation.
Motion carried.

Senate Bill No. 504.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 508.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 509.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 511.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 523.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 524.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 537.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 541.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 544.
Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 95, 230, 260, 285, 290, 304, 334, 450, 453, 472, 478, 488, 490, 496; Assembly Joint Resolutions Nos. 3, 4, 6, 7 and 8; Assembly Joint Resolution No. 2 of the 79th Session; Senate Bills Nos. 13, 15, 33, 35, 36, 41, 42, 57, 66, 67, 87, 95, 101, 108, 126, 131, 136, 147, 179, 185, 208, 212, 220, 224, 267, 298, 300, 320, 336, 350, 367, 385, 394, 395, 396, 407.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 62.
The following Senate amendment was read:
Amendment No. 799.
AN ACT relating to water; ~~[authorizing, under certain circumstances,]~~ **requiring** the State Engineer to ~~[grant an additional extension of]~~ **adopt regulations relating to the** time for the completion of work ~~[for the diversion of]~~ **and the application of** water ~~[to projects that include the municipal or~~

~~quasi-municipal use of water; revising the time period for which the State Engineer may grant an extension for the completion of work for the diversion of water; authorizing, under certain circumstances,]~~ **to beneficial use; requiring** the State Engineer to ~~[suspend the limitation of time for the completion of work set forth in a permit or an extension previously granted;]~~ **conduct a survey relating to extensions of time to perfect a water right;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Upon approving an application for a permit to appropriate water, existing law **: (1) requires the State Engineer to set a deadline by which the construction related to the appropriation of water must be completed and application of water to beneficial use must be made; and (2)** authorizes the State Engineer to extend ~~[,]~~ **those deadlines** under certain circumstances **.** ~~[, the deadline by which construction related to the appropriation of water or the application of water to a beneficial use must be completed or made.]~~ With limited exceptions, any number of extensions may be granted, but a single extension may not exceed 5 years. (NRS 533.380, 533.390, 533.410)

~~[Section 1 of this bill authorizes the State Engineer to grant an additional extension of time for the completion of work for the diversion of water to the holder of a permit for a project that includes the municipal or quasi-municipal use of water if: (1) the applicant has adopted a capital improvement plan that is consistent with a water resource plan adopted by a county, city or water authority; and (2) the applicant is able to demonstrate that the amount of time he or she expects to complete construction of the works is reasonable and that he or she has the financial ability to complete construction.~~

~~Section 2 of this bill revises the provisions relating to extending the deadline by which construction related to the appropriation of water must be completed. If a permit has been issued for a project that includes the municipal or quasi-municipal use of water, the State Engineer may grant one or more extensions, but, with limited exception, the total number of extensions may not extend the construction deadline for more than 15 years. If a permit has been issued for a project that is not a municipal or quasi-municipal use and that includes the diversion of 2 or more cubic feet of water per second or the cultivation of at least 100 acres of land, the State Engineer may grant one or more extensions, but the total number of extensions may not extend the construction deadline for more than 10 years. If a permit has been issued for any other purpose, the State Engineer may grant one or more extensions, but the total number of extensions may not extend the construction deadline for more than 5 years.~~

~~Section 2 also authorizes the State Engineer to suspend the limitation of time for the completion of construction set forth in a permit or any extension if the permit holder submits sufficient proof to the State Engineer demonstrating that the person has been unable to complete the work because of certain pending administrative or court actions. Section 2 further provides that the State Engineer may grant any number of suspensions, but a single suspension may not exceed 2 years.~~

~~Sections]~~ **Section 1.5** ~~[and 3]~~ of this bill ~~[make conforming changes.]~~ **requires the State Engineer to adopt regulations to carry out these provisions.**

Section 4 of this bill requires the State Engineer to conduct a survey during the 2019-2020 interim to determine how other jurisdictions in the United States manage extensions of time to perfect a water right.

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

Section 1. ~~*[*Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. In addition to any extensions granted pursuant to NRS 533.390, the State Engineer may grant a single extension of time to file the proof of completion of work for a project that includes the municipal or quasi-municipal use of water if the governing body of a county or city in which the place of use for the project is located or the water authority that serves the area in which the place of use for the project is located has adopted a water resource plan, that includes, without limitation:***~~

~~***(a) The identification of all known sources of surface water, groundwater and effluent that are physically and legally available for use in the community.***~~

~~***(b) An analysis of the:***~~

~~***(1) Existing demand for water in the community; and***~~

~~***(2) Expected demand for water in the community caused by projected growth.***~~

~~***(c) An analysis of whether the sources of water identified in paragraph (a) are of sufficient quality and quantity to satisfy the existing and expected demands described in paragraph (a).***~~

~~***(d) If the analysis pursuant to paragraph (c) determines that the sources of water identified in paragraph (a) are not of sufficient quality or quantity to satisfy demands, a plan for obtaining additional water of sufficient quality and quantity.***~~

~~***2. To request an extension of time pursuant to subsection 1, a holder of a permit must submit to the State Engineer an application for an extension of time within 30 days after receiving notice by registered or certified mail that proof of work is due as provided for in NRS 533.390 and 533.410. The application must include, without limitation:***~~

~~***(a) A capital improvement plan for the project in accordance with the requirements of subsection 3; and***~~

~~***(b) Evidence that the capital improvement plan is consistent with a water resource plan adopted by the governing body of a county or city or a water authority that meets the requirements of subsection 1.***~~

~~***3. A capital improvement plan must include, without limitation:***~~

~~***(a) An evaluation of the supply, distribution, condition of existing facilities and operation and maintenance programs of the water system of the applicant;***~~

~~***(b) A description of the construction work necessary to complete the works of diversion, system of conveyance or any associated facilities necessary to apply the water to beneficial use;***~~

~~***(c) A demonstration that the works and any associated facilities included in the project are capable of conveying the water to the place of use;***~~

~~***(d) A demonstration that:***~~

~~***(1) There is sufficient funding available to the applicant to complete construction of the project; or***~~

~~***(2) If the project is composed of several features, the applicant has the financial ability and reasonable expectations to complete construction of all features of the project; and***~~

~~***(e) Any additional information requested by the State Engineer.***~~

~~***4. In determining whether to grant or deny a request for an extension pursuant to subsection 1, the State Engineer:***~~

~~***(a) Shall consider the requirements set forth in NRS 533.380; and***~~

~~***(b) May consider:***~~

~~***(1) The reasonableness of the amount of time the applicant expects to complete construction of the works and any associated facilities;***~~

~~***(2) The reasonableness of the financial ability of the applicant to complete construction of the works and any associated facilities;***~~

~~***(3) Whether, at the time the applicant requested the extension, the applicant had available funding to complete construction of the works and any associated facilities; and***~~

~~***(4) Any other factor presented by the applicant to demonstrate that he or she has a reasonable and certain time frame for completing construction of the works and any associated facilities.***~~

~~***5. The State Engineer may approve or deny a request for an extension pursuant to this section following a public hearing on the request. The State Engineer must provide reasonable notice of such public hearing. If, following the public hearing, the State Engineer determines that the applicant has not demonstrated that the applicant:***~~

~~***(a) Expects to complete construction of the works and any associated facilities within a reasonable amount of time; or***~~

~~***(b) Has the financial ability to complete construction of the works of diversion and any associated facilities,***~~

~~***➥ the State Engineer shall deny the application for an extension requested pursuant to this section.]***~~ **(Deleted by amendment.)**

Sec. 1.5. NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection 5, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,

➥ must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, grant any number of extensions of ~~*[extend the]*~~ time within which construction work must be completed , or water must be applied to a beneficial use under any permit therefor issued by the State Engineer , but a single extension of time must not exceed 5 years. ~~***[in accordance with the provisions of this section and NRS 533.390 and 533.410 and section 1 of this act.]***~~ An application for the extension must in all cases be:

(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the good faith and reasonable diligence with which the applicant is pursuing the perfection of the application.

➥ The State Engineer shall not grant an extension of time unless the State Engineer determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application.

4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

➥ if any, for completing the development of the land.

5. The provisions of subsections 1 and 4 do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

7. The State Engineer shall:

(a) Adopt any regulation necessary to carry out the provisions of this section; and

(b) Provide a copy of such regulations to any person upon request.

Sec. 2. ~~[NRS 533.390 is hereby amended to read as follows:~~

~~533.390 1. Any person holding a permit from the State Engineer shall, on or before the date set for the completion of the work, file in detail a description of the work as actually constructed. This statement must be verified by the affidavit of the applicant or the applicant's agent or attorney.~~

~~2. Should any person holding a permit from the State Engineer fail to file with the State Engineer the proof of completion of work, as provided in this chapter, the State Engineer shall advise the holder of the permit, by registered or certified mail, that it is held for cancellation, and should the holder, within 30 days after the mailing of such advice, fail to file the required affidavit, the State Engineer shall cancel the permit. For good cause shown, upon application made prior to the expiration of the 30-day period, the State Engineer may, in his or her discretion, grant [an extension]~~ ~~***one or more extensions***~~ ~~of time in which to file the instruments.~~ ~~***If a permit has been issued for:***~~

~~***(a) A project that includes the municipal or quasi-municipal use of water, except as otherwise provided in section 1 of this act, the State Engineer may extend the deadline for the completion of work for not more than 15 years***~~

from the date set for the completion of the work. In addition to the requirements set forth in NRS 533.380, the person holding the permit must demonstrate to the State Engineer that:

(1) Additional time is necessary to organize the financing and construction of the work due to the size of the project; and

(2) The person has spent at least $50,000 on the construction of the work, including, without limitation, expenditures for the purchase of rights-of-way or property.

(b) A project that does not include the municipal or quasi-municipal use of water and includes the diversion of 2 or more cubic feet of water per second or the cultivation of 100 acres of land or more, the State Engineer may extend the deadline for the completion of work for not more than 10 years from the date set for the completion of the work in the permit.

(c) Any other purpose, the State Engineer may extend the deadline for the completion of work for not more than 5 years from the date set for the completion of the work in the permit.

3. The limitation of time for the completion of work set forth in a permit or an extension granted pursuant to this section may be temporarily suspended by the State Engineer if, at the time that proof of completion of work is due pursuant to the permit or an extension, as applicable, the person holding the permit submits to the State Engineer sufficient proof that the person has been unable to complete the work because of a pending:

(a) Application with the Federal Government, the State, a local government or a tribal government for some type of consent or approval that is necessary to complete construction of the project, including, without limitation, a right-of-way or any permit or other approval related to development of land.

(b) Court action or adjudication which may affect the person's water rights which are involved in the project.

➥ The person holding the permit is not required to submit an application or fee for an extension in order for the State Engineer to temporarily suspend the limitation of time for completion of the work pursuant to this subsection.

4. The State Engineer may grant any number of suspensions pursuant to subsection 3, but a single suspension of time must not exceed 2 years.

5. As used in this section, "tribal government" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.13, inclusive.] **(Deleted by amendment.)**

Sec. 3. [NRS 533.410 is hereby amended to read as follows:

533.410 If any holder of a permit from the State Engineer fails, before the date set for filing in the permit or the date set by any extension granted by the State Engineer, to file with the State Engineer proof of application of water to beneficial use, and the accompanying map, if a map is required, the State Engineer shall advise the holder of the permit, by registered or certified mail, that the permit is held for cancellation. If the holder, within 30 days after the mailing of this notice, fails to file with the State Engineer the required affidavit

~~and map, if a map is required, or an application for an extension of time to file the instruments, the State Engineer shall cancel the permit. For good cause shown, upon application made before the expiration of the 30-day period, the State Engineer may grant an extension of time in which to file the instruments.~~ ~~***The State Engineer may grant any number of extensions pursuant to this section but a single extension of time must not exceed 5 years.]***~~ **(Deleted by amendment.)**

Sec. 4. **1. The State Engineer shall conduct a survey during the 2019-2020 interim to determine the manner in which other jurisdictions within the United States manage extensions of time for the perfection of a right to appropriate water.**

2. The State Engineer shall, on or before January 1, 2021, submit a report of his or her findings and conclusions to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

~~[Sec. 4.]~~ ***Sec. 5.*** This act becomes effective upon passage and approval.

Assemblywoman Swank moved that the Assembly concur in the Senate Amendment No. 799 to Assembly Bill No. 62.

Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:

This amendment deletes the original bill and instead provides that the State Engineer shall adopt any regulations necessary relating to the time for completion of work and the application of water to beneficial use, conduct a survey during the 2019-2020 interim to determine the manner in which other jurisdictions perfect water rights to appropriate water, and submit a report of findings and conclusions to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Legislature.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 163.

The following Senate amendment was read:

Amendment No. 682.

AN ACT relating to water; revising certain requirements relating to a plan of water conservation; revising minimum standards for plumbing fixtures in new construction and expansions and renovations in certain structures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each supplier of water and each public utility to adopt a plan of water conservation, which must be submitted to the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources or the Public Utilities Commission of Nevada, as applicable. The plan of water conservation must also be updated and submitted to the Section or Commission, as applicable, every 5 years. (NRS 540.131, 540.141, 704.662, 704.6622) **Sections 1 and 8** of this bill require each supplier of water and public utility: (1) who serves 3,300 persons

or more to submit the results of a water loss audit with the plan of water conservation or update to the plan; and (2) who serves less than 3,300 persons to submit the results of certain calculations regarding water delivered and water billed with the plan of water conservation or update to the plan. Once a supplier or public utility has submitted the results of a water loss audit, **sections 1 and 8** require the supplier of water or public utility to submit with any future update to the plan of water conservation: (1) a comparison between the results of the most recent audit or calculations and the audit or calculations previously submitted; and (2) an analysis of any progress made towards certain goals which must be established in the plan of water conservation for water loss. **Sections 3 and 9** of this bill revise the provisions which must be included in a plan or a joint plan of water conservation to include establishing goals for acceptable levels of water loss.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial or industrial structures, certain public buildings financed by a public body, manufactured buildings and homes and mobile homes. (NRS 278.582, 338.193, 461.175, 489.706) **Sections 4-7** of this bill revise these requirements to instead require that **, if the WaterSense program established by the United States Environmental Protection Agency has established a final product specification for a type of toilet, shower apparatus, faucet or urinal,** new construction, expansions and renovations on these structures must install toilets, shower apparatuses, faucets and urinals that have been certified under the WaterSense program **.** ~~[established by the United States Environmental Protection Agency.]~~ **Sections 4-7** exempt from these requirements any residential, commercial or industrial structure and public building financed by a public body that was constructed 50 years or more before the current year.

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

Section 1. Chapter 540 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, each supplier of water that is required to adopt or update a plan of water conservation in accordance with the provisions of NRS 540.131 and:

(a) Serves 3,300 persons or more must conduct a water loss audit in accordance with the methodology and software of the American Water Works Association for water loss auditing. The results of the water loss audit must be submitted by the supplier of water to the Section with the plan of water conservation or update to the plan of water conservation, as applicable.

(b) Serves less than 3,300 persons must calculate the amount of water delivered by the supplier of water and the amount of water that was billed to customers of the supplier of water for each year. The calculations must be

submitted by the supplier of water to the Section with the plan for water conservation or update to the plan of water conservation, as applicable.

2. If the supplier of water has previously submitted the results of a water loss audit to the Section pursuant to paragraph (a) of subsection 1, and is submitting an update to the plan of water conservation, the supplier must also submit to the Section:

(a) A comparison between the results of the new water loss audit and the previous water loss audit; and

(b) An analysis of any progress made by the supplier towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 540.141.

3. If the supplier of water has previously submitted the results of the calculations conducted pursuant to paragraph (b) of subsection 1 to the Section, and is submitting an update to the plan of water conservation, the supplier must also submit to the Section:

(a) A comparison between the results of the new calculations and the previous calculations; and

(b) An analysis of any progress made by the supplier towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 540.141.

4. The provisions of this section do not apply to a transient water system as defined in NRS ~~***[617.135.]***~~ ***445A.848.***

Sec. 2. NRS 540.121 is hereby amended to read as follows:

540.121 As used in NRS 540.121 to 540.151, inclusive, ***and section 1 of this act,*** "supplier of water" includes, but is not limited to:

1. Any county, city, town, local improvement district, general improvement district and water conservancy district;

2. Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature; and

3. Any other public or private entity,

➥ that supplies water for municipal, industrial or domestic purposes. The term does not include a public utility required to adopt a plan of water conservation pursuant to NRS 704.662.

Sec. 3. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to ~~[:~~

~~[(1) Identify]~~ ***identify*** and reduce ~~[leakage]~~ ***water loss*** in water supplies, inaccuracies in water meters and high pressure in water supplies ~~[; and]~~ ***, which must include, without limitation:***

(1) Goals for acceptable levels of water loss in water supplies. Such goals may use the following performance indicators and analyses, without limitation:

(I) Infrastructure water loss index;

(II) Water audit data validity score;

(III) Operational basic apparent losses;

(IV) Operational basic real losses; and

(V) Economic level of water loss.

(2) ~~[Where]~~ ***A plan which analyzes how the supplier of water will progress towards the goals established for the acceptable levels of water loss.***

(d) The management of water to, where applicable, increase the reuse of effluent.

~~[(d)]~~ ***(e)*** A contingency plan for drought conditions that ensures a supply of potable water.

~~[(e)]~~ ***(f)*** A schedule for carrying out the plan or joint plan.

~~[(f)]~~ ***(g)*** A plan for how the supplier of water will progress towards the installation of meters on all connections.

~~[(g)]~~ ***(h)*** Standards for water efficiency for new development.

~~[(h)]~~ ***(i)*** Tiered rate structures for the pricing of water to promote the conservation of water, including, without limitation, an estimate of the manner in which the tiered rate structure will impact the consumptive use of water.

~~[(i)]~~ ***(j)*** Watering restrictions based on the time of day and the day of the week.

2. In addition to the requirements of subsection 1, a plan or joint plan of water conservation submitted to the Section for review by a supplier of water providing service for 500 or more connections must include provisions relating to:

(a) Measures to evaluate the effectiveness of the plan or joint plan.

(b) For each conservation measure specified in the plan or joint plan, an estimate of the amount of water that will be conserved each year as a result of the adoption of the plan or joint plan, stated in terms of gallons of water saved annually.

3. The Section shall review any plan or joint plan submitted to it within 120 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

4. The Chief may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.

5. To the extent practicable, the State Engineer shall provide on the Internet website of the State Engineer a link to the plans and joint plans that are submitted for review. In carrying out the provisions of this subsection, the State Engineer is not responsible for ensuring, and is not liable for failing to

ensure, that the plans and joint plans which are provided on the Internet website are accurate and current.

Sec. 4. NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture which does not meet the standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in ~~[subsections 3 and 4,]~~ ***subsection 6,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, ***and before March 1, 1993,*** and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, ***and before March 1, 1993,*** must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~[4,]~~ ***6,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, ***and before January 1, 2020,*** and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, ***and before January 1, 2020,*** must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water

has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. ***Except as otherwise provided in subsection 6, each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020*** ~~***[,]***~~ ***:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program ***.*** ~~***[established by the United States Environmental Protection Agency.]***~~

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4:

(a) A plumbing fixture is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture to be certified under the WaterSense program, a plumbing fixture that was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

6. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of ~~[an]~~ ***:***

(a) An existing residential, commercial or industrial structure which is not being expanded or renovated ~~[.]~~ ***; or***

(b) An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

Sec. 5. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in ~~[subsections 3 and 4,]~~ ***subsection 6,*** each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, ***and before March 1, 1993,*** and each existing public building which is expanded or renovated on or after March 1, 1992, ***and before March 1, 1993,*** must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection ~~[4,]~~ ***6,*** each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, ***and before January 1, 2020,*** and each existing public building which is expanded or renovated on or after March 1, 1993, ***and before January 1, 2020,*** must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. ***Except as otherwise provided in subsection 6, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020*** ~~[,]~~ ***:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, ***must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program*** ***.*** ~~***[established by the United States Environmental Protection Agency.]***~~

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 5 of NRS 278.582.

6. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of ~~[an]~~ ***:***

(a) An existing public building which is not being expanded or renovated ~~[.]~~ ***; or***

(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. ~~[Except as otherwise provided in subsection 2, each]~~ ***Each*** manufactured building on which construction begins on or after March 1, 1992, ***and before March 1, 1993,*** must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, ***and before January 1, 2020,*** must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured building on which construction begins on or after January 1, 2020 ~~***[,]***~~ ***:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program . ~~[established by the United States Environmental Protection Agency.]~~

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 5 of NRS 278.582.

Sec. 7. NRS 489.706 is hereby amended to read as follows:

489.706 1. ~~[Except as otherwise provided in subsection 2, each]~~ ***Each*** manufactured home or mobile home on which construction begins on or after March 1, 1992, ***and before March 1, 1993,*** must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, ***and before January 1, 2020,*** must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured home or mobile home on which construction begins on or after January 1, 2020 ~~[,]~~ :

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program . ~~[established by the United States Environmental Protection Agency.]~~

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 5 of NRS 278.582.

Sec. 8. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, each public utility that is required to adopt or update a plan of water conservation in accordance with the provisions of NRS 704.662 and:

(a) Serves 3,300 persons or more must conduct a water loss audit in accordance with the methodology and software of the American Water Works Association for water loss auditing. The results of the water loss audit must be submitted by the public utility to the Commission with the plan of water conservation or update to the plan of water conservation, as applicable.

(b) Serves less than 3,300 persons must calculate the amount of water delivered by the supplier of water and the amount of water that was billed to customers of the supplier of water for each year. The calculations must be submitted by the public utility to the Commission with the plan for water conservation or update to the plan of water conservation, as applicable.

2. If the public utility has previously submitted the results of a water loss audit to the Commission pursuant to paragraph (a) of subsection 1, and is submitting an update to the plan of water conservation, the public utility must also submit to the Commission:

(a) A comparison between the results of the new water loss audit and the previous water loss audit; and

(b) An analysis of any progress made by the public utility towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 704.6622.

3. If the public utility has previously submitted the results of the calculations conducted pursuant to paragraph (b) of subsection 1 to the Commission, and is submitting an update to the plan of water conservation, the supplier must also submit to the Commission:

(a) A comparison between the results of the new calculations and the previous calculations; and

(b) An analysis of any progress made by the public utility towards the goals for acceptable water loss established in the plan for water conservation pursuant to paragraph (c) of subsection 1 of NRS 704.6622.

4. The provisions of this section do not apply to a transient water system as defined in NRS ~~[617.135.]~~ 445A.848.

Sec. 9. NRS 704.6622 is hereby amended to read as follows:

704.6622 1. A plan of water conservation submitted to the Commission for approval must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this state and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to [:

(1) Identify] ***identify*** and reduce [leakage] ***water loss*** in water supplies, inaccuracies in water meters and high pressure in water supplies [; and] ***, which must include, without limitation:***

(1) Goals for acceptable levels of water loss in water supplies. Such goals may use the following performance indicators and analyses, without limitation:

(I) Infrastructure water loss index;

(II) Water audit data validity score;

(III) Operational basic apparent losses;

(IV) Operational basic real losses; and

(V) Economic level of water loss.

(2) [Increase] ***A plan which analyzes how the public utility will progress towards the goals established for the acceptable levels of water loss.***

(d) The management of water to, where applicable, increase the reuse of effluent.

[(d)] ***(e)*** A contingency plan for drought conditions that ensures a supply of potable water.

[(e)] ***(f)*** A schedule for carrying out the plan.

[(f)] ***(g) A plan for how the public utility will progress towards the installation of meters on all connections, if applicable.***

(h) Standards for water efficiency for new development.

(i) Tiered rate structures for the pricing of water to promote the conservation of water, including, without limitation, an estimate of the manner in which the tiered rate structure will impact the consumptive use of water.

(j) Watering restrictions based on the time of day and the day of the week.

(k) Measures to evaluate the effectiveness of the plan.

2. A plan submitted for approval must be accompanied by an analysis of the feasibility of charging variable rates for the use of water to encourage the conservation of water.

3. The Commission shall review any plan submitted to it and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purposes 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 Swank moved that the Assembly concur in the Senate Amendment No. 682 to Assembly Bill No. 163.
Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:
The amendment revises the minimum standards set forth in the bill to provide certain exceptions if the United States Environmental Protection Agency's WaterSense program has not developed a final product specification for certain types of bathroom fixtures.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 404.
The following Senate amendment was read:
Amendment No. 699.
AN ACT relating to hunting; authorizing the Board of Wildlife Commissioners to establish a program authorizing a person to transfer, defer or return certain lawfully obtained tags if certain extenuating circumstances exist; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law requires a person who hunts any wildlife to obtain a license or permit to do so in this State. (NRS 502.010) In addition to a regular hunting license, existing law requires a person to obtain an additional license, known as a tag, to hunt any deer, elk, antelope, bighorn sheep, bear, moose, mountain lion or mountain goat. (NRS 502.130) Any license issued pursuant to title 45 of NRS relating to wildlife is: (1) not transferable to a person other than the person to whom the license was issued; and (2) subject to forfeiture if the license is transferred to another person. (NRS 502.100)
Section 1 of this bill authorizes the Board of Wildlife Commissioners to adopt regulations establishing: (1) conditions or events which are extenuating circumstances; (2) a process through which a person who holds a tag to hunt a big game mammal in this State and who claims an extenuating circumstance may provide documentation which shows that his or her condition or event qualifies as an extenuating circumstance; and (3) a program through which such a person who has proven that he or she qualifies for an extenuating circumstance may transfer, defer use of or return to the Department of Wildlife his or her tag to hunt a big game mammal in this State. **Section 1** further prohibits a person who transfers his or her tag to hunt big game mammals in this State from charging a fee or receiving any compensation for such a transfer. **Section 1** additionally provides that an extenuating circumstance is any illness, injury or other condition or event, as determined by the Commission, of a person who holds a tag to hunt a big game mammal in this

State or a family member of such a person that causes the person who holds such a tag to be unable to use his or her tag to hunt a big game mammal in this State. **Section 6** of this bill makes a conforming change.

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

Section 1. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission may adopt regulations establishing:

(a) Conditions or events which are extenuating circumstances;

(b) A process through which a big game hunter who claims an extenuating circumstance may provide documentation to the Department which shows that his or her condition or event qualifies as an extenuating circumstance; and

(c) A program through which a big game hunter who has proven that he or she qualifies for an extenuating circumstance pursuant to paragraph (b) may:

(1) Transfer his or her tag to another person who is otherwise eligible to hunt a big game mammal in this State;

(2) Defer his or her use of the tag to the next applicable open season; or

(3) Return his or her tag to the Department for restoration by the Department of any bonus points that he or she used to obtain the tag that is being returned.

2. If a big game hunter transfers his or her tag to another person pursuant to subparagraph (1) of paragraph (c) of subsection 1, the big game hunter may not charge a fee or receive any compensation for such a transfer.

3. As used in this section:

(a) "Big game hunter" means a person who holds a tag.

(b) "Extenuating circumstance" means any injury, illness or other condition or event, as determined by the Commission, of a big game hunter or a family member of a big game hunter that causes the big game hunter to be unable to use his or her tag.

(c) "Family member" means:

(1) A spouse of the big game hunter; ~~[or]~~

(2) A person who is related to the big game hunter within the first degree of consanguinity ~~[.]~~ ***; or***

(3) A stepchild of the big game hunter.

(d) "Tag" means a tag to hunt a big game mammal in this State.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 502.100 is hereby amended to read as follows:

502.100 ***Except as otherwise provided in section 1 of this act:***

1. No license provided by this title shall be transferable or used by any person other than the person to whom it was issued.
2. Every person lawfully having such licenses who transfers or disposes of the same to another person to be used as a hunting, trapping or fishing license shall forfeit the same.

Sec. 7. This act becomes effective:
1. Upon passage and approval for purposes of adopting regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
2. On January 1, 2020, for all other purposes.

Assemblywoman Swank moved that the Assembly concur in the Senate Amendment No. 699 to Assembly Bill No. 404.
Remarks by Assemblywoman Swank.

ASSEMBLYWOMAN SWANK:
This amendment adds "a stepchild of the big game hunter" to those included as a "family member" for purposes of the bill.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 76.
The following Senate amendment was read:
Amendment No. 709.
AN ACT relating to mental health; authorizing the Commission on Behavioral Health to employ certain persons to assist the regional behavioral health policy boards; revising the counties that comprise certain behavioral health regions; creating the Clark Behavioral Health Region; revising the appointing authority to **and members of** a regional behavioral health policy board; revising the duties of a regional health policy board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law creates four behavioral health regions and a regional behavioral health policy board for each region, consisting of 13 members who possess certain qualifications. (NRS 433.428, 433.429) **Section 2** of this bill **: (1)** removes ~~[Esmeralda County and Nye County from the Southern Behavioral Health Region and instead places them in]~~ **Mineral County from the Northern Behavioral Health Region; (2) removes Lincoln County from** the Rural Behavioral Health Region ~~[.]~~ **; and (3) instead places those counties in the Southern Behavioral Health Region. Section 2** additionally removes Clark County **and a portion of Nye County** from the Southern Behavioral Health Region ~~[, thereby eliminating that Region]~~ and instead newly creates the Clark Behavioral Health Region consisting ~~[only]~~ of Clark County ~~[.]~~ **and that portion of Nye County. Section 3** of this bill revises the appointing authority ~~[for the]~~ **and** members of the regional behavioral health policy boards created for each behavioral health region. ~~[Section 3 further authorizes~~

~~the appointment of members with alternative qualifications to such a policy board if members meeting certain qualifications prescribed by existing law are not available.]~~

Existing law prescribes the duties of the policy boards, which include: (1) advising the Department of Health and Human Services, the Division of Public and Behavioral Health of the Department and the Commission on Behavioral Health concerning certain issues; and (2) submitting an annual report to the Commission. (NRS 433.4295) **Section 4** of this bill additionally requires the policy boards to advise the Department, Division and Commission concerning redundant, conflicting or obsolete federal, state and local laws and regulations that relate to behavioral health. **Section 4** also requires each behavioral health policy board to: (1) establish an electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region; (2) track and compile data concerning persons admitted involuntarily to mental health facilities, hospitals and programs of community-based or outpatient services; and (3) identify and coordinate with other entities that address issues relating to behavioral health. Additionally, **section 4** revises the contents of the annual report that each policy board is required to submit to the Commission.

Section 1 of this bill authorizes the Commission on Behavioral Health to employ an administrative assistant and a data analyst to assist the policy boards in carrying out their duties. (NRS 433.314)

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

Section 1. NRS 433.314 is hereby amended to read as follows:

433.314 ***1.*** The Commission shall:

~~[1.]~~ ***(a)*** Establish policies to ensure adequate development and administration of services for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders, including services to prevent mental illness, intellectual disabilities, developmental disabilities, substance use disorders and co-occurring disorders, and services provided without admission to a facility or institution;

~~[2.]~~ ***(b)*** Set policies for the care and treatment of persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders or persons with co-occurring disorders provided by all state agencies;

~~[3.]~~ ***(c)*** Review the programs and finances of the Division;

~~[4.]~~ ***(d)*** Report at the beginning of each year to the Governor and at the beginning of each odd-numbered year to the Legislature:

~~[(a)]~~ ***(1)*** Information concerning the quality of the care and treatment provided for persons with mental illness, persons with intellectual disabilities, persons with developmental disabilities, persons with substance use disorders

or persons with co-occurring disorders in this State and on any progress made toward improving the quality of that care and treatment; and

[(b)] *(2)* In coordination with the Department, any recommendations from the regional behavioral health policy boards created pursuant to NRS 433.429. The report must include, without limitation:

[(1)] *(I)* The epidemiologic profiles of substance use and abuse, problem gambling and suicide;

[(2)] *(II)* Relevant behavioral health prevalence data for each behavioral health region created by NRS 433.428; and

[(3)] *(III)* The health priorities set for each behavioral health region;

[5.] *(e)* Hear appeals, conduct investigations and issue orders pursuant to NRS 641.325, 641A.289, 641B.460 and 641C.800; and

[6.] *(f)* Review and make recommendations concerning regulations submitted to the Commission for review pursuant to NRS 641.100, 641A.160, 641B.160 and 641C.200.

2. The Commission may employ an administrative assistant and a data analyst to assist the regional behavioral health policy boards created by NRS 433.429 in carrying out their duties.

Sec. 2. NRS 433.428 is hereby amended to read as follows:

433.428 [Four] ***Five*** behavioral health regions are hereby created as follows:

1. The Northern Behavioral Health Region consisting of Carson City and the counties of Churchill, Douglas, Lyon [, Mineral] and Storey;

2. The Washoe Behavioral Health Region consisting of the county of Washoe;

3. The Rural Behavioral Health Region consisting of the counties of Elko, ***[Esmeralda,]*** Eureka, Humboldt, Lander, [Lincoln, ***Nye,]*** Pershing and White Pine; [and]

4. The Southern Behavioral Health Region consisting of the counties of [Clark,] Esmeralda , [and Nye.] ***Lincoln and Mineral and the portion of the county of Nye that is north of the 38th parallel of north latitude; and***

5. The Clark Behavioral Health Region consisting of the county of Clark [.] and the portion of the county of Nye that is south of the 38th parallel of north latitude.

Sec. 3. NRS 433.429 is hereby amended to read as follows:

433.429 1. A regional behavioral health policy board is hereby created for each behavioral health region.

2. Each policy board consists of ***not less than 7 members and not more than*** 13 members [as follows:

(a) Six members appointed by the Governor or his or her designee as follows:

(1) One] ***appointed pursuant to this section.***

3. The Speaker of the Assembly shall appoint to each policy board one member who represents the criminal justice system. [;

(2) ***, appointed by the Speaker of the Assembly.***

~~*(b) One]*~~

4. The Majority Leader of the Senate shall appoint to each policy board one member who represents law enforcement agencies and who has experience with and knowledge of matters relating to persons in need of behavioral health services . [~~*, appointed by the Majority Leader of the Senate;*~~

~~*(c)* Two members]~~

5. The Governor shall appoint to each policy board one member who [~~have~~] ***has*** extensive experience in the delivery of social services in the field of behavioral health, including, without limitation, directors or officers of social service agencies in the behavioral health region **.** [~~; and~~

~~(3) *, appointed by the Governor.*~~

~~*(d) One]*~~

6. The Legislative Commission shall appoint to each policy board one member who is a Legislator . [~~*, appointed by the Legislative Commission.*~~

~~*(e) Eight members appointed by the Commission as follows:*~~

~~*(1)* Three members who represent the interests of one or more of the following:~~

~~(I) Hospitals,]~~

7. The Administrator shall appoint to each policy board:

(a) One member who represents the interests of hospitals, residential long-term care facilities or facilities that provide acute inpatient behavioral health services;

[~~(II) Community-based organizations which provide behavioral health services;~~

~~(III) Administrators or counselors who are employed at facilities for the treatment of abuse of alcohol or drugs; or~~

~~(IV) Owners or administrators of residential treatment facilities, transitional housing or other housing for persons who are mentally ill or suffer from addiction or substance abuse.~~

~~➥ At least one member of the policy board appointed by the Governor or his or her designee *Commission* for each region pursuant to this subparagraph must be a behavioral health professional who has experience in evaluating and treating children.~~

~~(b) Three members appointed by the Speaker of the Assembly as follows:~~

~~(1) *(2)* One member who is a health officer of a county , or who is in a position with duties similar to those of such a health officer ; *or, if no such person is available, an employee of a city, county or Indian tribe who has experience in the field of public health.*~~

~~(2) *(3)* One member who is a psychiatrist or doctor of psychology with clinical experience and who is licensed to practice in this State ; *or, if no such person is available, a provider of health care, as defined in NRS 629.031, who has experience working with persons with mental illness or who abuse alcohol or drugs.* and~~

~~(3) ***(4)*** One member who represents private or public insurers who offer coverage for behavioral health services . ***or, if no such person is available, another person who has experience in the field of insurance or working with insurers.***~~

~~(c) Three members appointed by the Majority Leader of the Senate as follows:~~

~~(1) ***(5)*** One member who has received behavioral health services , ***including, without limitation, services for substance use disorders,*** in this State or a family member of such a person or, if such a person is not available, a person who represents the interests of behavioral health patients or the families of behavioral health patients . ;~~

~~(2) ***(6)*** One member who represents providers of emergency medical services or fire services and who has experience providing emergency services to behavioral health patients, which may include, without limitation, a paramedic or physician . ; and~~

~~(3) One member who represents law enforcement agencies and who has experience with and knowledge of matters relating to people in need of behavioral health services.~~

~~(d) One member who is a Legislator, appointed by the Legislative Commission.~~

~~3.]~~ ***(b) One member who represents the interests of administrators or counselors who are employed at facilities for the treatment of abuse of alcohol or drugs; and***

(c) One member who represents providers of emergency medical services or fire services and who has experience providing emergency services to behavioral health patients, which may include, without limitation, a paramedic or physician.

8. The members appointed to a policy board pursuant to subsections 2 to 7, inclusive, may appoint to the policy board:

(a) One member who represents the interests of community-based organizations which provide behavioral health services.

(b) One member who represents the interests of owners or administrators of residential treatment facilities, transitional housing or other housing for persons with a mental illness or persons who abuse alcohol or drugs.

(c) One member who is a health officer of a county or who holds a position with similar duties, or, if no such person is available, an employee of a city, county or Indian tribe who has experience in the field of public health.

(d) One member who is a psychiatrist or a psychologist who holds the degree of doctor of psychology, has clinical experience and is licensed to practice in this State or, if no such person is available, a provider of health care, as defined in NRS 629.031, who has experience working with persons with a mental illness or persons who abuse alcohol or drugs.

(e) One member who represents private or public insurers who offer coverage for behavioral health services or, if no such person is available,

another person who has experience in the field of insurance or working with insurers.

(f) One member who has received behavioral health services in this State, including, without limitation, services for substance use disorders, or a family member of such a person or, if such a person is not available, a person who represents the interests of behavioral health patients or the families of behavioral health patients.

9. If the members of a policy board described in subsections 2 to 7, inclusive, appoint both a member described in paragraph (a) of subsection 8 and a member described in paragraph (b) of subsection 8, at least one of those members must be a behavioral health professional who has experience in evaluating and treating children.

10. In making appointments, preference must be given to persons who reside in the behavioral health region served by the policy board.

[4.] ***11.*** Each member of the policy board serves without compensation for a term of 2 years and may be reappointed. The appointing authority may remove a member from the policy board if the appointing authority determines the member has neglected his or her duties. [Any vacancy in the membership of a policy board must be filled in the same manner as the original appointment.

5.] ***12. If a vacancy occurs during the term of:***

(a) A member who was appointed pursuant to subsection 2, 3, 4, 5 or 6, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(b) A member who was appointed pursuant to subsection 7, the policy board shall, by majority vote, appoint a member to fill the vacancy for the remainder of the unexpired term.

(c) A member who was appointed pursuant to subsection 8, the policy board may, by majority vote, appoint a member to fill the vacancy for the remainder of the unexpired term.

13. Each policy board shall meet not later than 60 days after all appointments to such board have been made and elect one member of the policy board to act as the Chair for the biennium. The Director of the Department or his or her designee shall preside over the election of the Chair for each policy board at each board's first meeting. [Each] ***Except as otherwise provided in subsection*** ***[6,]*** ***14, each*** policy board shall thereafter meet at least quarterly at the call of the Chair.

[6.] ***14. A policy board is not required to meet during any legislative session. If a policy board meets during a legislative session, the member of the policy board who is a Legislator is excused from attendance.***

[7.] ***15.*** As used in this section, "social services agency" means any public agency or organization that provides social services in this State, including, without limitation, welfare and health care services.

Sec. 4. NRS 433.4295 is hereby amended to read as follows:

433.4295 ***1.*** Each policy board shall:

[1.] *(a)* Advise the Department, Division and Commission regarding:

[(a)] *(1)* The behavioral health needs of adults and children in the behavioral health region;

[(b)] *(2)* Any progress, problems or proposed plans relating to the provision of behavioral health services and methods to improve the provision of behavioral health services in the behavioral health region;

[(c)] *(3)* Identified gaps in the behavioral health services which are available in the behavioral health region and any recommendations or service enhancements to address those gaps; [and

(d)] ***(4) Any federal, state or local law or regulation that relates to behavioral health which it determines is redundant, conflicts with other laws or is obsolete and any recommendation to address any such redundant, conflicting or obsolete law or regulation; and***

(5) Priorities for allocating money to support and develop behavioral health services in the behavioral health region.

[2.] *(b)* Promote improvements in the delivery of behavioral health services in the behavioral health region.

[3.] *(c)* Coordinate and exchange information with the other policy boards to provide unified and coordinated recommendations to the Department, Division and Commission regarding behavioral health services in the behavioral health region.

[4.] *(d)* Review the collection and reporting standards of behavioral health data to determine standards for such data collection and reporting processes.

[5.] ***(e) To the extent feasible, establish an organized, sustainable and accurate electronic repository of data and information concerning behavioral health and behavioral health services in the behavioral health region that is accessible to members of the public on an Internet website maintained by the policy board. A policy board may collaborate with an existing community-based organization to establish the repository.***

(f) To the extent feasible, track and compile data concerning persons admitted to mental health facilities and hospitals pursuant to NRS 433A.145 to 433A.197, inclusive, and to mental health facilities and programs of community-based or outpatient services pursuant to NRS 433A.200 to 433A.330, inclusive, in the behavioral health region, including, without limitation:

(1) The outcomes of treatment provided to such persons; and

(2) Measures taken upon and after the release of such persons to address behavioral health issues and prevent future admissions.

(g) Identify and coordinate with other entities in the behavioral health region and this State that address issues relating to behavioral health to increase awareness of such issues and avoid duplication of efforts.

(h) In coordination with existing entities in this State that address issues relating to behavioral health services, submit an annual report to the Commission which includes, without limitation [, the] *:*

(1) The specific behavioral health needs of the behavioral health region [~~. Such a~~] ***;***

(2) A description of the methods used by the policy board to collect and analyze data concerning the behavioral health needs and problems of the behavioral health region and gaps in behavioral health services which are available in the behavioral health region, including, without limitation, a list of all sources of such data used by the policy board;

(3) A description of the manner in which the policy board has carried out the requirements of paragraphs (c) and (g) of subsection 1 and the results of those activities; and

(4) The data compiled pursuant to paragraph (f) of subsection 1 and any conclusions that the policy board has derived from such data.

2. A report ***described in paragraph (h) of subsection 1*** may be submitted more often than annually if the policy board determines that a specific behavioral health issue requires an additional report to the Commission.

Sec. 5. (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2019.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 709 to Assembly Bill No. 76.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Amendment 709 to A.B. 76 revises the composition of certain regional behavioral health policy boards; revises board membership and appointments; and prescribes the method by which vacancies to policy board membership may be filled.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 129.

The following Senate amendment was read:

Amendment No. 710.

AN ACT relating to emergency response; requiring certain first responders to receive training concerning identifying and interacting with persons with developmental disabilities; providing [~~certain immunity from civil liability to a person who is required to complete such training and the State or any political subdivision of the State that employs such a person;~~] **that receiving such training does not change the standard of care for which such first responders are responsible;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure of ambulance attendants and firefighters and the certification of emergency medical technicians, advanced emergency medical technicians, paramedics and peace officers. (NRS 289.550, 450B.160, 450B.180) **Sections 2, 4 and 11** of this bill require each applicant for such licensure or certification to complete training concerning

persons with developmental disabilities before initial licensure or certification, as applicable. **Sections 1, 3, 5-10 and 12** of this bill make conforming changes. **Section 13** of this bill requires a person who, on October 1, 2019, is licensed as an ambulance attendant or firefighter or certified as an emergency medical technician, advanced emergency medical technician, paramedic or peace officer to submit proof on or before October 1, 2020, that he or she has completed the additional training concerning persons with developmental disabilities required by **section 2, 4 or 11**.

Section 10.5 of this bill provides ~~[immunity from civil liability to]~~ **that** a person who is required to complete training concerning persons with developmental disabilities ~~[for any death, bodily injury or damage to property that occurs as a result of his or her failure to receive such training or act in a manner consistent with the training, unless the failure results from willful misconduct or bad faith. Section 10.5 also provides that the State or any political subdivision of the State that employs such a person is immune from civil liability for any death, bodily injury or damage to property that occurs as a result of the failure of the person to receive the required training or act in a manner consistent with the training.]~~ **shall not be held to a higher standard of care and does not have a duty greater than had he or she not received the training with respect to the identification, diagnosis or treatment of a developmental disability.**

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

Section 1. NRS 450B.064 is hereby amended to read as follows:

450B.064 "Emergency medical services registered nurse" means a registered nurse who is issued a certificate to serve as an attendant by the State Board of Nursing pursuant to subsection ~~[8]~~ ***9*** of NRS 450B.160.

Sec. 2. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire-fighting agency.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as a firefighter with a fire-fighting agency.

(c) A signed statement showing:

(1) The name and address of the applicant;

(2) The name and address of the employer of the applicant; and

(3) A description of the applicant's duties.

(d) ***Proof that the applicant has completed the training required by subsection 4.***

(e) Such other certificates for training and such other items as the board may specify.

4. ***In addition to the training required by subsection 3, each applicant for a license must complete training concerning identifying and interacting with persons with developmental disabilities.***

5. The board shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.

[~~5.~~] ***6.*** Each operator of an ambulance or air ambulance and each fire-fighting agency shall annually file with the health authority a complete list of the licensed persons in its service.

[~~6.~~] ***7.*** Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.

[~~7.~~] ***8.*** Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:

(a) Advanced life-support procedures for patients who require cardiac care;

(b) Life-support procedures for pediatric patients who require cardiac care; and

(c) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

➥ The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.

[~~8.~~] ***9.*** The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection [~~7~~] ***8*** if the licensed physician, licensed physician assistant or registered nurse attends:

(a) A course offered by a national organization which is nationally recognized for issuing such certification;

(b) Training conducted by the operator of an ambulance or air ambulance; or

(c) Any other course or training,

➥ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification.

10. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 3. NRS 450B.171 is hereby amended to read as follows:

450B.171 Except as otherwise provided in this chapter, unlicensed relatives of a sick or injured patient and other persons may ride in an ambulance if there are two attendants in the ambulance, each of whom is licensed pursuant to this chapter or exempt from licensing pursuant to subsection [6] ***7*** of NRS 450B.160.

Sec. 4. NRS 450B.180 is hereby amended to read as follows:

450B.180 1. Any person desiring certification as an emergency medical technician, advanced emergency medical technician or paramedic must apply to the health authority using forms prescribed by the health authority.

2. The health authority, pursuant to regulations and procedures adopted by the board, shall make a determination of the applicant's qualifications to be certified as an emergency medical technician, advanced emergency medical technician or paramedic and shall issue the appropriate certificate to each qualified applicant.

3. A certificate is valid for a period not exceeding 2 years and may be renewed if the holder of the certificate complies with the provisions of this chapter and meets the qualifications set forth in the regulations and standards established by the board pursuant to this chapter. The regulations and standards established by the board must provide for the completion of [a] ***:***

(a) A course of instruction, within 2 years after initial [licensure,] ***certification,*** relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

[(a)] ***(1)*** An overview of acts of terrorism and weapons of mass destruction;

[(b)] ***(2)*** Personal protective equipment required for acts of terrorism;

[(c)] ***(3)*** Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

[(d)] ***(4)*** Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

[(e)] ***(5)*** An overview of the information available on, and the use of, the Health Alert Network.

➥ The board may thereafter determine whether to establish regulations and standards requiring additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

(b) Training before initial certification concerning identifying and interacting with persons with developmental disabilities. Training completed pursuant to this paragraph also satisfies the requirement for such training prescribed by NRS 450B.160 or section 11 of this act, if applicable.

4. The health authority may suspend or revoke a certificate if it finds that the holder of the certificate no longer meets the prescribed qualifications. Unless the certificate is suspended by the district court pursuant to NRS

425.540, the holder of the certificate may appeal the suspension or revocation of his or her certificate pursuant to regulations adopted by the board.

5. The board shall determine the procedures and techniques which may be performed by an emergency medical technician, advanced emergency medical technician or paramedic.

6. A certificate issued pursuant to this section is valid throughout the State, whether issued by the Division or a district board of health.

7. The Division shall maintain a central registry of all certificates issued pursuant to this section, whether issued by the Division or a district board of health.

8. The board shall adopt such regulations as are necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) ***"Developmental disability" has the meaning ascribed to it in NRS 435.007.***

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

[~~(e)~~] *(f)* "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 5. NRS 450B.1905 is hereby amended to read as follows:

450B.1905 1. A program of training for certification as an emergency medical technician must be:

(a) Supervised by a physician and approved by the health authority; or

(b) Presented by a national organization which is nationally recognized for providing such training and approved by the board.

2. A program of training for certification as an emergency medical technician must follow the curriculum or educational standards prepared by the United States Department of Transportation as a national standard for emergency medical technicians.

3. The board may adopt regulations which prescribe other requirements of training for certification as an emergency medical technician.

4. An owner of an ambulance shall not offer emergency medical care to a patient in urgent need of medical care or observation unless the attendant has successfully completed a program of training for certification as an emergency medical technician or is exempt, pursuant to subsection [~~6~~] ***7*** of NRS 450B.160, from the requirement to obtain that training.

5. The board may by regulation prescribe additional requirements for receiving and maintaining certification as an emergency medical technician. The curriculum or educational standards for training must be:

(a) At the level of advanced first aid; or

(b) At least equivalent to any curriculum or educational standards prepared by the Department of Transportation as a national standard for emergency medical technicians.

Sec. 6. NRS 450B.191 is hereby amended to read as follows:

450B.191 1. A program of training for certification as an advanced emergency medical technician must be supervised by a licensed physician and approved by the health authority.

2. A program of training for certification as an advanced emergency medical technician must include an approved curriculum in intravenous therapy and the management of a passage for air to the lungs. Only a certified emergency medical technician with experience as established by the board is eligible for this training.

3. In order to maintain certification, each advanced emergency medical technician must annually:

(a) Comply with the requirements established by the board for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as an advanced emergency medical technician. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for advanced emergency medical technicians.

5. A person shall not represent himself or herself to be an advanced emergency medical technician unless the person has on file with the health authority a currently valid certificate demonstrating successful completion of the program of training required by this section.

6. Except as authorized by subsection ~~[6]~~ *7* of NRS 450B.160, an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as an advanced emergency medical technician without fulfilling the requirements established by the board.

Sec. 7. NRS 450B.195 is hereby amended to read as follows:

450B.195 1. Only a certified emergency medical technician with experience as established by the board is eligible for training as a paramedic.

2. A program of training for certification as a paramedic must be supervised by a licensed physician and approved by the health authority.

3. To maintain certification, each paramedic must annually:

(a) Comply with the requirements established by the board for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as a paramedic. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for paramedics.

5. A person shall not represent himself or herself to be a paramedic unless the person has on file with the health authority a currently valid certificate

evidencing the person's successful completion of the program of training required by this section.

6. Except as authorized by subsection ~~[6]~~ ***7*** of NRS 450B.160, an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as a paramedic without fulfilling the requirements established by the board.

Sec. 8. NRS 450B.260 is hereby amended to read as follows:

450B.260 1. Except as otherwise provided in this section, the public or private owner of an ambulance or air ambulance or a fire-fighting agency which owns a vehicle used in providing medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility shall not permit its operation and use by any person not licensed under this chapter.

2. An ambulance carrying a sick or injured patient must be occupied by a driver and an attendant, each of whom is licensed as an attendant pursuant to this chapter or exempt from licensing pursuant to subsection ~~[6]~~ ***7*** of NRS 450B.160, except as otherwise provided in subsection 5 or in geographic areas which may be designated by the board and for which the board may prescribe lesser qualifications.

3. An air ambulance carrying a sick or injured patient must be occupied by a licensed attendant, or a person exempt from licensing pursuant to subsection ~~[6]~~ ***7*** of NRS 450B.160, in addition to the pilot of the aircraft.

4. The pilot of an air ambulance is not required to have a license under this chapter.

5. A person who operates or uses a vehicle owned by a fire-fighting agency is not required to be licensed under this chapter, except that such a vehicle may not be used to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons:

(a) At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care; or

(b) While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.

6. Nothing in this section precludes the operation of an aircraft in this State in a manner other than as an air ambulance.

Sec. 9. NRS 450B.655 is hereby amended to read as follows:

450B.655 "Dedicated advanced life support ambulance" means an ambulance equipped to provide advanced life support that:

1. Is capable of transporting a patient from a special event to a hospital but, upon delivering the patient, immediately returns to the site of the special event; and

2. Is staffed by:

(a) At least one licensed attendant who is an emergency medical technician and one licensed attendant who is a paramedic; or

(b) At least two other attendants, each with an equivalent or a higher level of skill than the levels described in paragraph (a) and each of whom is licensed pursuant to this chapter or exempt from licensure pursuant to subsection [~~6~~] ***7*** of NRS 450B.160.

Sec. 10. NRS 450B.660 is hereby amended to read as follows:

450B.660 "First-aid station" means a fixed location at the site of a special event that is staffed by:

1. At least one licensed attendant who is an emergency medical technician, advanced emergency medical technician or paramedic; or

2. A person with a higher level of skill than the levels described in subsection 1 who is capable of providing emergency medical care within his or her scope of practice and is licensed pursuant to this chapter or exempt from licensure pursuant to subsection [~~6~~] ***7*** of NRS 450B.160.

Sec. 10.5. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

[~~1.~~] An attendant, firefighter employed by or serving as a volunteer with a fire-fighting agency, an emergency medical technician, advanced emergency medical technician, paramedic or a peace officer who [~~, while acting in the course of his or her employment, is immune from civil liability for any death, bodily injury or damage to property that occurs as a result of his or her failure to receive~~] has received the training required pursuant to NRS 450B.160 or 450B.180 or section 11 of this act [~~, or his or her failure to identify or interact with any person with a developmental disability in a manner consistent with the training received pursuant to NRS 450B.160 or 450B.180 or section 11 of this act, unless the failure results from willful misconduct or bad faith.~~

~~2. The State or any political subdivision of the State that employs a person described in subsection 1 is immune from civil liability for any death, bodily injury or damage to property that occurs as a result of the failure of the person to receive the training required pursuant to NRS 450B.160 or 450B.180 or section 11 of this act, or the failure of the person to identify or interact with any person with a developmental disability in a manner consistent with the training received pursuant to NRS 450B.160 or 450B.180 or section 11 of this act.~~] shall not be held to a higher standard of care and does not have a duty greater than had he or she not received the training with respect to the identification, diagnosis or treatment of a developmental disability.

Sec. 11. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Peace Officers' Standards and Training Commission shall require, as a condition of the certification of each peace officer, the completion of training concerning identifying and interacting with persons with developmental disabilities.

2. Training completed pursuant to this section also satisfies the requirement for such training prescribed by NRS 450B.160 or 450B.180, if applicable.

3. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 12. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.650, inclusive, ***and section 11 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 13. A person who, on October 1, 2019, is:

1. Licensed as an attendant or firefighter pursuant to NRS 450B.160;

2. Certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to NRS 450B.180; or

3. Certified as a peace officer pursuant to chapter 289 of NRS,

➥ must submit on or before October 1, 2020, proof that he or she has completed the training required, as applicable, by subsection 4 of NRS 450B.160, as amended by section 2 of this act, paragraph (b) of subsection 3 of NRS 450B.180, as amended by section 4 of this act, or section 11 of this act.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 710 to Assembly Bill No. 129.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

The amendment provides that first responders who have received training regarding the identification, diagnosis, or treatment of a developmental disability shall not be held to a higher standard of care and do not have a duty greater than if they had not received the training.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 252.

The following Senate amendment was read:

Amendment No. 744.

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; revising requirements concerning the issuance or renewal of a ~~[certificate]~~ **license** 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) **Assembly Bill No. 131, enacted during the current legislative session, makes various changes concerning community-based living arrangement services, including repealing the provisions governing community-based living arrangement services in chapter 433 of NRS and moving them instead to chapter 449 of NRS. Instead of requiring providers of such services to obtain a certificate, Assembly Bill No. 131 requires the providers to obtain a license from the Division pursuant to chapter 449 of NRS. (Chapter 51, Statutes of Nevada 2019) For that reason, sections 10-13 of this bill were added to chapter 449 of NRS. Various other changes are made in this bill to conform to the provisions of Assembly Bill No. 131.** **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 disability unless the holder also holds a certificate to provide supported living arrangement services. **Section 7.5** **of this bill** 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. **These sections are repealed in section 16 of Assembly Bill No. 131, effective January 1, 2020. Therefore, the substantive provisions of section 7.5 are added to section 11 of this bill to ensure those provisions are not repealed.**

Section ~~[2 of this bill]~~ **11 also** 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]~~ **able to communicate with** the recipients to whom he or she provides services. **Section** ~~[2]~~ **11** also prohibits a child under 18 years of age from residing in a ~~[home]~~ **building** operated by a provider in which services are provided. **Section** ~~[2]~~ **11** 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] **11** additionally requires a provider of community-based living arrangement services to post prominently in any [home] **building** 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] **12** 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] **12 and** [10] **22** 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] **13** of this bill prohibits the Division from renewing the [certificate] **license** of a provider who has failed to provide such a reimbursement or make certain corrections required by the Division.

Section [8] **16** 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] **16** also requires an applicant for a [certificate] **license** 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] **requires** the Division to investigate [the qualifications of personnel, methods of operation, policies and purposes of] an applicant for a [certificate. (NRS 433.613)] **license before issuing the license. (NRS 449.080)** **Section** [9] **17** of this bill requires the Division**,** [to: (1) conduct such an investigation before issuing a certificate; and (2)] as part of the investigation**, to** inspect any [home] **building** operated by the applicant in which the applicant proposes to provide services. **Sections 14, 15 and 18-21 of this bill make conforming changes.**

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

Section 1. [Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.] **(Deleted by amendment.)**

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.]*~~ **(Deleted by amendment.)**

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.]*~~ **(Deleted by amendment.)**

Sec. 4. (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.]*~~ **(Deleted by amendment.)**

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.]~~ **(Deleted by amendment.)**

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.]~~ **(Deleted by amendment.)**

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.]~~ **(Deleted by amendment.)**

Sec. 10. **Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 11, 12 and 13 of this act.**

Sec. 11. ***1. The holder of a license 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.***

2. Each person employed by a provider of community-based living arrangement services to supervise or provide support to recipients of such services must be able to communicate with the recipients to whom he or she is to provide services.

3. A child under 18 years of age must not reside in a building operated by a provider of community-based living arrangement services in which community-based living arrangement services are provided.

4. A provider of community-based living arrangement services shall:

(a) Provide each recipient of community-based living arrangement 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 building operated by the provider of community-based living arrangement services in which community-based

living arrangement services are provided a sign with the telephone number that may be used to make a complaint to the Division concerning the provider.

Sec. 12. 1. The Division shall establish, for each recipient of community-based living arrangement services to whom services are provided pursuant to a contract between the provider and the Division, an individualized plan for the provision of community-based living arrangement 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 community-based living arrangement services must provide supervision and support to the recipient.

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

3. If the Division determines that it has paid the holder of a license to provide community-based living arrangement services 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. 13. The Division shall not renew a license to provide community-based living arrangement services if:

1. The holder of the license has refused or failed to reimburse any overpayment for community-based living arrangement services as required pursuant to subsection 3 of section 12 of this act; or

2. The holder of the license 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. 14. **NRS 449.029 is hereby amended to read as follows:**

449.029 As used in NRS 449.029 to 449.240, inclusive, ***and sections 11, 12 and 13 of this act,*** unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 15. **NRS 449.0301 is hereby amended to read as follows:**

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 11, 12 and 13 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. 16. **NRS 449.0302 is hereby amended to read as follows:**

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, ***and sections 11, 12 and 13 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 sections 11, 12 and 13 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. ***The Board shall adopt regulations applicable to providers of community-based living arrangement services which:***

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

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

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services 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 community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

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

Sec. 17. **NRS 449.080 is hereby amended to read as follows:**

449.080 1. If, after investigation, the Division finds that the:

(a) Applicant is in full compliance with the provisions of NRS 449.029 to 449.2428, inclusive [;] ***, and sections 11, 12 and 13 of this act;***

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Board;

(c) Applicant, if he or she has undertaken a project for which approval is required pursuant to NRS 439A.100, has obtained the approval of the Director of the Department of Health and Human Services; and

(d) Facility conforms to the applicable zoning regulations,

➥ the Division shall issue the license to the applicant.

2. ***Any investigation of an applicant for a license to provide community-based living arrangement services conducted pursuant to subsection 1 must include, without limitation, an inspection of any building operated by the applicant in which the applicant proposes to provide community-based living arrangement services.***

3. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.

Sec. 18. **NRS 449.089 is hereby amended to read as follows:**

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, ***and sections 11, 12 and 13 of this act*** expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to NRS 449.050 unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 11, 12 and 13 of this act*** or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100; or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv) which accepts payment through Medicare, a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, a peer support recovery organization, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs must include, without limitation, a statement that the facility, hospital, agency, program, pool, organization or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a peer support recovery organization, a residential facility for groups or a home

for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool, organization or home are in compliance with the provisions of NRS 449.093.

Sec. 19. **NRS 449.160 is hereby amended to read as follows:**

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, ***and sections 11, 12 and 13 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, ***and sections 11, 12 and 13 of this act,*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

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

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

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

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, ***and sections 11, 12 and 13 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. 20. **NRS 449.163 is hereby amended to read as follows:**

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and sections 11, 12 and 13 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than $5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, ***and sections 11, 12 and 13 of this act*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, ***and***

sections 11, 12 and 13 of this act, 449.435 to 449.530, inclusive, and 449.760 and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 21. **NRS 449.240 is hereby amended to read as follows:**

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive [.] ***, and sections 11, 12 and 13 of this act.***

~~[Sec. 10.]~~ ***Sec. 22.*** 1. The provisions of subsection 3 of section ~~[3]~~ **12** of this act and section ~~[5]~~ **13** 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,]~~ **December 31,** 2019.

~~[Sec. 11.]~~ ***Sec. 23.*** 1. This section and sections 7 and 7.5 of this act become effective upon passage and approval.

2. Sections ~~[1 to 6,]~~ **10 to 22,** inclusive, ~~[8, 9 and 10]~~ of this act become effective on ~~[October 1, 2019.]~~ **January 1, 2020.**

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 744 to Assembly Bill No. 252.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Amendment 744 to Assembly Bill 252 requires each person employed by a provider of community-based living arrangement services to supervise or provide support to service recipients to be able to communicate with the recipients to whom he or she provides services and conforms various provisions of the bill to Assembly Bill 131, which already passed during the 80th Legislative Session. Assembly Bill 131 moved statutory language governing community-based living arrangement services from Chapter 433 of *Nevada Revised Statutes* to Chapter 449. Amendment 744 simply makes certain substantive changes regarding community-based living arrangement services in Chapter 449 rather than Chapter 433.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 254.

The following Senate amendment was read:

Amendment No. 743.

AN ACT relating to public health; requiring the Chief Medical Officer to establish and maintain a system for reporting certain information on sickle cell disease and its variants; authorizing administrative penalties for failure to report certain information; revising requirements concerning screening infants for sickle cell disease and its variants and sickle cell trait; requiring Medicaid

to cover certain supplements recommended by the Pharmacy and Therapeutics Committee; requiring a health insurer to include coverage for certain prescription drugs and services for the treatment of sickle cell disease and its variants in its policies; authorizing a prescription of certain controlled substances for the treatment of acute pain caused by sickle cell disease and its variants for a longer period than otherwise allowed; requiring a health maintenance organization or managed care organization to take certain actions with respect to certain insureds diagnosed with sickle cell disease and its variants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief Medical Officer to establish and maintain a system for the reporting of information on cancer and other neoplasms. (NRS 457.230) Existing law requires the chief administrative officer of each health care facility in this State to make available to the Chief Medical Officer or his or her representative the records of the health care facility for each reportable neoplasm. (NRS 457.250) **Section 6** of this bill requires the Chief Medical Officer to establish and maintain a similar system for the reporting of information on sickle cell disease and its variants. **Sections 6 and 7** of this bill require hospitals, medical laboratories, certain other facilities and providers of health care to report certain information prescribed by the State Board of Health concerning each case of sickle cell disease and its variants diagnosed or treated at the facility or by the provider, as applicable. **Section 8** of this bill requires the chief administrative officer of each health care facility in this State to make available to the Chief Medical Officer or his or her representative the records of the health care facility for each case of sickle cell disease and its variants for abstraction by the Division of Public and Behavioral Health of the Department of Health and Human Services. **Section 8** also: (1) requires the State Board to adopt a schedule of fees which must be assessed to a health care facility for each case from which information is abstracted; and (2) provides for the imposition of an administrative penalty against a health care facility that fails to make the records of the facility for each case of sickle cell disease and its variants available for abstraction. **Sections 9 and 10** of this bill provide for analysis, reporting and research based on the reported and abstracted information concerning cases of sickle cell disease and its variants. **Sections 7, 11 and 15** of this bill provide for the confidentiality of reported information concerning patients, providers of health care and facilities. **Section 12** of this bill provides immunity from liability for any person or organization who discloses information in good faith to the Division in accordance with the requirements of **sections 6-8**.

Existing law requires the State Board of Health to adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell anemia. (NRS 442.008) **Section 13** of this bill requires those regulations to include a requirement that each newborn child who is susceptible to sickle cell disease and its variants and sickle cell trait to be tested and each biological

parent of a child who tests positive for sickle cell disease and its variants to be offered to be tested for sickle cell disease and its variants and sickle cell trait. **Section 13** also: (1) requires the parent or guardian of a child who tests positive for sickle cell disease and its variants or sickle cell trait to receive counseling concerning the nature, effects and treatment of sickle cell disease and its variants or sickle cell trait, as applicable; and (2) authorizes the parent or guardian of a newborn child to opt out in writing from such testing.

Existing law authorizes the Division to provide for the services of a laboratory to determine the presence of certain preventable or inheritable disorders in an infant. (NRS 422.008) **Sections 13 and 13.5** of this bill instead require the Division to provide for such services when necessary to determine the presence of such disorders.

Existing law requires the Department to prescribe by regulation a list of preferred prescription drugs to be used for the Medicaid program. (NRS 422.4025) **Section 18.8** of this bill requires that list to include prescription drugs essential for the treatment of sickle cell disease and its variants. **Section 18.5** of this bill additionally requires the Department to prescribe by regulation a list of supplements **essential for the treatment of sickle cell disease and its variants** that must be covered by Medicaid for recipients of Medicaid who have sickle cell disease and its variants.

Sections 16, 17, 18.2, 21, 22, 24-27 and 29 of this bill require Medicaid and all other health insurers to cover certain services for persons diagnosed with sickle cell disease and its variants. **Sections 26 and 29** of this bill additionally require a health maintenance organization or managed care organization to establish a plan for each insured under 18 years of age who has been diagnosed with sickle cell disease and its variants to transition the insured from pediatric care to adult care when the enrollee reaches 18 years of age. **Sections 14, 18.4, 18.6, 20, 23 and 28** of this bill make conforming changes.

Existing law prohibits a practitioner from prescribing an amount of a controlled substance listed in schedule II, III or IV for the treatment of acute pain that is intended to be used for more than 14 days. (NRS 639.2391) **Section 18.9** of this bill authorizes a practitioner to issue a prescription for an amount of such a controlled substance for the treatment of acute pain caused by sickle cell disease and its variants that is intended to be used for not more than 30 days.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 4.5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Health care facility" has the meaning ascribed to it in NRS 162A.740.***

Sec. 4. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 4.5. ***"Sickle cell disease and its variants" means an inherited disease caused by a mutation in a gene for hemoglobin in which red blood cells have an abnormal crescent shape that causes them to block small blood cells and die sooner than normal red blood cells and may include sickle cell disease, one or more variants or a combination thereof, as applicable.***

Sec. 5. (Deleted by amendment.)

Sec. 6. ***1. The Chief Medical Officer shall, pursuant to the regulations adopted by the State Board of Health pursuant to section 7 of this act, establish and maintain a system for the reporting of information on sickle cell disease and its variants.***

2. The system established pursuant to subsection 1 must include a record of the cases of sickle cell disease and its variants which occur in this State along with such information concerning the cases as may be appropriate to form the basis for:

(a) Conducting comprehensive epidemiologic surveys of sickle cell disease and its variants in this State; and

(b) Evaluating the appropriateness of measures for the treatment of sickle cell disease and its variants.

3. Hospitals, medical laboratories and other facilities that provide screening, diagnostic or therapeutic services to patients with respect to sickle cell disease and its variants shall report the information prescribed by the State Board of Health pursuant to section 7 of this act to the system established pursuant to subsection 1.

4. Any provider of health care who diagnoses or provides treatment for sickle cell disease and its variants, except for cases directly referred to the provider or cases that have been previously admitted to a hospital, medical laboratory or other facility described in subsection 3, shall report the information prescribed by the State Board of Health pursuant to section 7 of this act to the system established pursuant to subsection 1.

5. As used in this section, "medical laboratory" has the meaning ascribed to it in NRS 652.060.

Sec. 7. ***The State Board of Health shall by regulation:***

1. Prescribe the form and manner in which information on cases of sickle cell disease and its variants must be reported;

2. Prescribe the information that must be included in each report, which must include, without limitation:

(a) The name, address, age and ethnicity of the patient;

(b) The variant of sickle cell disease with which the person has been diagnosed;

(c) The method of treatment, including, without limitation, any opioid prescribed for the patient and whether the patient has adequate access to that opioid;

(d) Any other diseases from which the patient suffers, including, without limitation, pneumonia, asthma and gall bladder disease;

(e) Information concerning the usage of and access to health care services by the patient; and

(f) If a patient diagnosed with sickle cell disease and its variants dies, his or her age at death; and

3. Establish a protocol for allowing appropriate access to and preserving the confidentiality of the records of patients needed for research into sickle cell disease and its variants.

Sec. 8. *1. The chief administrative officer of each health care facility in this State shall make available to the Chief Medical Officer or his or her representative the records of the health care facility for each case of sickle cell disease and its variants.*

2. The Division shall abstract from the records of a health care facility or shall require a health care facility to abstract from the records of the health care facility such information as is required by the State Board of Health. The Division shall compile the information in a timely manner and not later than 6 months after the Division abstracts the information or receives the abstracted information from the health care facility.

3. The State Board of Health shall by regulation adopt a schedule of fees which must be assessed to a health care facility for each case from which information is abstracted by the Division pursuant to subsection 2.

4. Any person who violates this section is subject to an administrative penalty established by regulation by the State Board of Health.

Sec. 9. *1. The Division shall publish reports based upon the information obtained pursuant to sections 6, 7 and 8 of this act and shall make other appropriate uses of the information to report and assess trends in the usage of and access to health care services by patients with sickle cell disease and its variants in a particular area or population, advance research and education concerning sickle cell disease and its variants and improve treatment of sickle cell disease and its variants and associated disorders. The reports must include, without limitation:*

(a) Information concerning the locations in which patients diagnosed with sickle cell disease and its variants reside, the demographics of such patients and the utilization of health care services by such patients;

(b) The information described in paragraph (a), specific to patients diagnosed with sickle cell disease and its variants who are over 60 years of age; and

(c) The transition of patients diagnosed with sickle cell disease and its variants from pediatric to adult care upon reaching 18 years of age.

2. The Division shall provide any qualified researcher whom the Division determines is conducting valid scientific research with data from the reported information upon the researcher's:

(a) Compliance with appropriate conditions as established under the regulations of the State Board of Health; and

(b) Payment of a fee established by the Division by regulation to cover the cost of providing the data.

Sec. 10. ***1. The Chief Medical Officer or a qualified person designated by the Administrator of the Division shall analyze the information obtained pursuant to sections 6, 7 and 8 of this act and the reports published pursuant to section 9 of this act to determine whether any trends exist in the usage of and access to health care services by patients with sickle cell disease and its variants in a particular area or population.***

2. If the Chief Medical Officer or the person designated pursuant to subsection 1 determines that a trend exists in the usage of and access to health care services by patients with sickle cell disease and its variants in a particular area or population, the Chief Medical Officer or the person designated pursuant to subsection 1 shall work with appropriate governmental, educational and research entities to investigate the trend, advance research in the trend and facilitate the treatment of sickle cell disease and its variants and associated disorders.

Sec. 10.5. ***The Division shall apply for and accept any gifts, grants and donations available to:***

1. Carry out the provisions of sections 2 to 12, inclusive, of this act;

2. Coordinate and administer any other state programs relating to research concerning sickle cell disease and its variants or assistance to patients diagnosed with sickle cell disease and its variants;

3. Pay for research concerning sickle cell disease and its variants;

4. Provide education concerning sickle cell disease and its variants; and

5. Provide support to persons diagnosed with sickle cell disease and its variants.

Sec. 11. ***The Division shall not reveal the identity of any patient, physician or health care facility which is involved in the reporting required by section 8 of this act unless the patient, physician or health care facility gives prior written consent to such a disclosure.***

Sec. 12. ***A person or governmental entity that provides information to the Division in accordance with sections 6, 7 and 8 of this act must not be held liable in a civil or criminal action for sharing confidential information unless the person or organization has done so in bad faith or with malicious purpose.***

Sec. 13. NRS 442.008 is hereby amended to read as follows:

442.008 1. The State Board of Health, upon the recommendation of the Chief Medical Officer [~~:~~

~~(a) Shall adopt~~] ***, shall:***

(a) Adopt regulations governing examinations and tests required for the discovery in infants of preventable or inheritable disorders, including tests for the presence of sickle cell [~~anemia; and~~] ***disease and its variants and sickle cell trait; and***

(b) [~~May require~~] ***Require*** the Division to provide for the services of a laboratory in accordance with NRS 442.009 ***when necessary*** to determine the

presence of certain preventable or inheritable disorders in an infant pursuant to this section.

2. ***Except as otherwise provided in subsection 5, the regulations adopted pursuant to paragraph (a) of subsection 1 concerning tests for the presence of sickle cell disease and its variants and sickle cell trait must require the screening for sickle cell disease and its variants and sickle cell trait of:***

(a) Each newborn child who is susceptible to sickle cell disease and its variants and sickle cell trait as determined by regulations of the State Board of Health; and

(b) Each biological parent of a child who wishes to undergo such screening.

3. Any physician, midwife, nurse, obstetric center or hospital of any nature attending or assisting in any way any infant, or the mother of any infant, at childbirth shall make or cause to be made an examination of the infant, including standard tests, to the extent required by regulations of the State Board of Health as is necessary for the discovery of conditions indicating such disorders.

~~[3.]~~ ***4.*** If the examination and tests reveal the existence of such conditions in an infant, the physician, midwife, nurse, obstetric center or hospital attending or assisting at the birth of the infant shall immediately:

(a) Report the condition to the Chief Medical Officer or the representative of the Chief Medical Officer, the local health officer of the county or city within which the infant or the mother of the infant resides, and the local health officer of the county or city in which the child is born; and

(b) Discuss the condition with the parent, parents or other persons responsible for the care of the infant and inform them of the treatment necessary for the amelioration of the condition.

~~[4.]~~ ***5.*** An infant is exempt from examination and testing if either parent files a written objection with the person or institution responsible for making the examination or tests.

6. As used in this section, "sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 13.5. NRS 442.009 is hereby amended to read as follows:

442.009 1. Except as otherwise provided in this section, ~~[if the State Board of Health requires the Division to provide for the services of a laboratory to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008,]~~ the Division shall contract with a laboratory ***to provide the services of a laboratory when required pursuant to NRS 442.008*** in the following order of priority:

(a) The State Public Health Laboratory;

(b) Any other qualified laboratory located within this State; or

(c) Any qualified laboratory located outside of this State.

2. The Division shall not contract with a laboratory in a lower category of priority unless the Division determines that:

(a) A laboratory in a higher category of priority is not capable of performing all the tests required to determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008; or

(b) The cost to the Division to contract with a laboratory in a higher category of priority is not financially reasonable or exceeds the amount of money available for that purpose.

3. For the purpose of determining the category of priority of a laboratory only, the Division is not required to comply with any requirement of competitive bidding or other restriction imposed on the procedure for awarding a contract.

Sec. 14. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and sections 18.2, 18.4 and 18.5 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 15. 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 11 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. 16. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the

compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 687B.408, 689B.030 to 689B.050, inclusive, ***and section 21 of this act*** and 689B.287 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378 and 689B.03785 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political

subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 17. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 29 of this act*** in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 18. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 18.2, 18.4 and 18.5 of this act.

Sec. 18.2. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:***

(a) ~~[Case]~~ Necessary case management services for a participant in Medicaid who has been diagnosed with sickle cell disease and its variants.

(b) ~~[Comprehensive]~~ Medically necessary care for a participant in Medicaid ~~[under 18 years of age]~~ who has been diagnosed with sickle cell disease and its variants including, without limitation, visits to specialists for evaluation, counseling, treatment for mental illness and education as needed.

(c) ~~[At least two visits per year to a comprehensive clinic for sickle cell disease and its variants. Such coverage must include, without limitation, coverage for all services provided during such a visit.~~

~~(d) Any services]~~ Services necessary to transition a recipient of Medicaid who is less than 18 years of age and has been diagnosed with sickle cell disease and its variants from pediatric care to adult care when the recipient reaches 18 years of age.

~~[(e)]~~ (d) Unlimited refills of each prescription drug for the treatment of sickle cell disease and its variants included on the list of preferred prescription drugs developed for the Medicaid program pursuant to NRS 422.4025.

[(f)] (e) Each supplement included in the list of supplements prescribed pursuant to section 18.5 of this act, including, without limitation, unlimited amounts of each such supplement.

2. As used in this section:

(a) "Case management services" means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) "Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 18.4. ***"Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.***

Sec. 18.5. ***1. The Department, upon the recommendation of the Committee, shall prescribe by regulation a list of nonprescription supplements essential for treating sickle cell disease and its variants that must be covered by Medicaid for recipients who have sickle cell disease and its variants. [The list must include, without limitation, any supplement determined by the Committee to be essential for treating sickle cell disease and its variants.]***

2. The Committee shall review the list of supplements prescribed pursuant to subsection 1 at least biennially to determine whether to recommend adding or removing any supplements from the list and report those recommendations to the Department.

Sec. 18.6. NRS 422.401 is hereby amended to read as follows:

422.401 As used in NRS 422.401 to 422.406, inclusive, ***and sections 18.4 and 18.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 422.4015 and 422.402 ***and section 18.4 of this act*** have the meanings ascribed to them in those sections.

Sec. 18.8. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall, by regulation, develop a list of preferred prescription drugs to be used for the Medicaid program.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Atypical and typical antipsychotic medications that are prescribed for the treatment of a mental illness of a patient who is receiving services pursuant to Medicaid;

(b) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus or acquired immunodeficiency syndrome, including, without limitation, protease inhibitors and antiretroviral medications;

(c) Anticonvulsant medications;

(d) Antirejection medications for organ transplants;

(e) Antidiabetic medications;

(f) Antihemophilic medications; and

(g) Any prescription drug which the Committee identifies as appropriate for exclusion from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Committee makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. ***The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation, any prescription drug determined by the Committee to be essential for treating sickle cell disease and its variants.***

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Committee reviews the product or the evidence.

Sec. 18.9. NRS 639.2391 is hereby amended to read as follows:

639.2391 1. If a practitioner, other than a veterinarian, prescribes or dispenses to a patient for the treatment of pain a quantity of controlled substance that exceeds the amount prescribed by this subsection, the practitioner must document in the medical record of the patient the reasons for prescribing that quantity. A practitioner shall document the information required by this subsection if the practitioner prescribes for or dispenses for the treatment of pain:

(a) In any period of 365 consecutive days, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 365 days if the patient adheres to the dose prescribed; or

(b) At any one time, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 90 days if the patient adheres to the dose prescribed.

2. A practitioner, other than a veterinarian, shall not issue an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain that prescribes:

(a) [An] ***Except as otherwise provided in subsection 3, an*** amount of the controlled substance that is intended to be used for more than 14 days; and

(b) If the controlled substance is an opioid and a prescription for an opioid has never been issued to the patient or the most recent prescription issued to the patient for an opioid was issued more than 19 days before the date of the initial prescription for the treatment of acute pain, a dose of the controlled substance that exceeds 90 morphine milligram equivalents per day. For the purposes of this paragraph, the daily dose of a controlled substance must be calculated in accordance with the most recent guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

3. A practitioner, other than a veterinarian, may issue an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of acute pain caused by sickle cell disease and its variants, as defined in section 4.5 of this act, in an amount that is intended to be used for not more than 30 days.

Sec. 19. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of health insurance shall include in the policy coverage for:

(a) [Case] Necessary case management services for an insured diagnosed with sickle cell disease and its variants; and

(b) [Care] Medically necessary care for an insured [under 18 years of age] who has been diagnosed with sickle cell disease and its variants. [; and

(c) Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell disease and its variants for an insured who has been diagnosed with sickle cell disease and its variants.]

2. An insurer that issues a policy of health insurance which provides coverage for prescription drugs shall include in the policy coverage for medically necessary prescription drugs to treat sickle cell disease and its variants.

3. An insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

4. As used in this section:

(a) "Case management services" means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or

categorizing drugs and devices based on cost, type or method of administration.

(c) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(d) "Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 20. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 19 of this act.***

Sec. 21. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer that issues a policy of group health insurance shall include in the policy coverage for:

(a) ~~[Case]~~ Necessary case management services for an insured who has been diagnosed with sickle cell disease and its variants; and

(b) ~~[Care]~~ Medically necessary care for an insured ~~[under 18 years of age]~~ who has been diagnosed with sickle cell disease and its variants . ~~[; and~~

~~(c) Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell disease and its variants for an insured who has been diagnosed with sickle cell disease and its variants.]~~

2. An insurer that issues a policy of group health insurance which provides coverage for prescription drugs shall include in the policy coverage for medically necessary prescription drugs to treat sickle cell disease and its variants.

3. An insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

4. As used in this section:

(a) "Case management services" means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(d) "Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 22. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier that issues a health benefit plan shall include in the plan coverage for:

(a) ~~[Case]~~ Necessary case management services for an insured who has been diagnosed with sickle cell disease and its variants; and

(b) ~~[Care]~~ Medically necessary care for an insured ~~[under 18 years of age]~~ who has been diagnosed with sickle cell disease and its variants . ~~[; and~~

~~(c) Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell disease and its variants for an insured who has been diagnosed with sickle cell disease and its variants.]~~

2. A carrier that issues a health benefit plan which provides coverage for prescription drugs shall include in the plan coverage for medically necessary prescription drugs to treat sickle cell disease and its variants.

3. A carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

4. As used in this section:

(a) "Case management services" means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(d) "Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 23. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 22 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 24. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A society that issues a benefit contract shall include in the benefit contract coverage for:

(a) ~~[Case]~~ Necessary case management services for an insured who has been diagnosed with sickle cell disease and its variants; and

(b) ~~[Care]~~ Medically necessary care for an insured ~~[under 18 years of age]~~ who has been diagnosed with sickle cell disease and its variants . ~~[; and~~

~~(c) Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell disease and its variants for an insured who has been diagnosed with sickle cell disease and its variants.]~~

2. A society that issues a benefit contract which provides coverage for prescription drugs shall include in the benefit contract coverage for medically necessary prescription drugs to treat sickle cell disease and its variants.

3. A society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

4. As used in this section:

(a) "Case management services" means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(d) "Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 25. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical service corporation that issues a policy of health insurance shall include in the policy coverage for:

(a) ~~[Case]~~ Necessary case management services for an insured who has been diagnosed with sickle cell disease and its variants ~~[.]~~ ; and

(b) ~~[Care]~~ Medically necessary care for an insured ~~[under 18 years of age]~~ who has been diagnosed with sickle cell disease and its variants . ~~[; and~~

~~(c) Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell disease and its variants for an insured who has been diagnosed with sickle cell disease and its variants.]~~

2. A hospital or medical service corporation that issues a policy of health insurance which provides coverage for prescription drugs shall include in the policy coverage for medically necessary prescription drugs to treat sickle cell disease and its variants.

3. A hospital or medical service corporation may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

4. As used in this section:

(a) "Case management services" means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(d) "Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 26. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization that issues a health care plan shall include in the plan coverage for:

(a) ~~***[Case]***~~ Necessary case ***management services for an enrollee who has been diagnosed with sickle cell disease and its variants;*** and

(b) ~~***[Care]***~~ Medically necessary care ***for an enrollee*** ~~***[under 18 years of age]***~~ ***who has been diagnosed with sickle cell disease and its variants*** . ~~***[; and***~~

~~***(c) Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell disease and its variants for an enrollee who has been diagnosed with sickle cell disease and its variants.]***~~

2. A health maintenance organization that issues a health care plan which provides coverage for prescription drugs shall include in the plan coverage for medically necessary prescription drugs to treat sickle cell disease and its variants.

3. A health maintenance organization shall establish a plan for each enrollee under 18 years of age who has been diagnosed with sickle cell disease and its variants to transition the enrollee from pediatric care to adult care when the enrollee reaches 18 years of age.

4. A health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

5. As used in this section:

(a) "Case management services" means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Medically necessary" has the meaning ascribed to it in NRS 695G.055.

(d) "Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 27. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1708, 695C.1731, 695C.17345, 695C.1735, 695C.1745 and 695C.1757 ***and section 26 of this act*** apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 28. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 26 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 29. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A managed care organization that issues a health care plan shall include in the plan coverage for:

(a) ~~[Case]~~ Necessary case management services for an insured diagnosed with sickle cell disease and its variants; and

(b) ~~[Care]~~ Medically necessary care for an insured ~~[under 18 years of age]~~ who has been diagnosed with sickle cell disease and its variants . ~~[; and~~

~~(c) Medically necessary services provided during at least two visits per year to a comprehensive clinic for sickle cell disease and its variants for an insured who has been diagnosed with sickle cell disease and its variants.]~~

2. A managed care organization that issues a health care plan which provides coverage for prescription drugs shall include in the plan coverage for medically necessary prescription drugs to treat sickle cell disease and its variants.

3. A managed care organization shall establish a plan for each insured under 18 years of age who has been diagnosed with sickle cell disease and its variants to transition the insured from pediatric care to adult care when the insured reaches 18 years of age.

4. A managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

5. As used in this section:

(a) "Case management services" means medical or other health care management services to assist patients and providers of health care, including, without limitation, identifying and facilitating additional resources and treatments, providing information about treatment options and facilitating communication between providers of services to a patient.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services. The term includes,

without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(c) "Sickle cell disease and its variants" has the meaning ascribed to it in section 4.5 of this act.

Sec. 30. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 31. 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 October 1, 2019, for all other purposes.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 743 to Assembly Bill No. 254.

Remarks by Assemblywoman Cohen.

ASSEMBLYWOMAN COHEN:

Amendment 743 to Assembly Bill 254 clarifies that Medicaid and other health insurers must cover necessary case management services and medically necessary care for individuals diagnosed with sickle cell disease and its variants.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 458.

The following Senate amendment was read:

Amendment No. 793.

AN ACT relating to taxation; revising provisions governing the amount of credits the Department of Taxation is authorized to approve against the modified business tax for taxpayers who donate money to a scholarship organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, financial institutions, mining businesses and other employers are required to pay an excise tax (the modified business tax) on wages paid by them. (NRS 363A.130, 363B.110) Existing law establishes a credit against the modified business tax equal to an amount which is approved by the Department of Taxation and which must not exceed the amount of any donation of money made by a taxpayer to a scholarship organization that provides grants on behalf of pupils who are members of a household with a household income of not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State, including private schools, chosen by the parents or legal guardians of those pupils. (NRS 363A.139, 363B.119, 388D.270) Under existing law, the Department: (1) is required to approve or deny applications for the tax credit in the order in which the applications are received by the Department; and (2) is authorized to approve applications for each fiscal year until the amount of

the tax credits approved for the fiscal year is the amount authorized by statute for that fiscal year. The amount of credits authorized for each fiscal year is equal to 110 percent of the amount authorized for the immediately preceding fiscal year, not including certain additional tax credits authorized for Fiscal Year 2017-2018. For Fiscal Year 2017-2018, the amount of credits authorized which are relevant for calculating the credits authorized in subsequent fiscal years is $6,050,000. Thus, for Fiscal Year 2018-2019, the amount of credits authorized is $6,655,000, plus any remaining amount of tax credits carried forward from the additional credit authorization made for Fiscal Year 2017-2018. (NRS 363A.139, 363B.119)

This bill eliminates the annual 110 percent increase in the amount of credits authorized and, instead, provides that the amount of credits authorized for each fiscal year is **a total of** $6,655,000, plus any remaining amount of tax credits carried forward from the additional credit authorization made for Fiscal Year 2017-2018.

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

Section 1. NRS 363A.139 is hereby amended to read as follows:

363A.139 1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection ***and subsection 4 of NRS 363B.119*** is [:

~~(a) For Fiscal Year 2015-2016, $5,000,000;~~

~~(b) For Fiscal Year 2016-2017, $5,500,000; and~~

~~(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.~~

➥] ***$6,655,000.*** The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. In addition to the amount of credits authorized by subsection 4 for Fiscal Year 2017-2018, the Department of Taxation may approve applications for the credit authorized by subsection 1 for that fiscal year until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363B.119 is $20,000,000. The provisions of [~~paragraph (c) of~~] subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to [~~that paragraph.~~] ***subsection 4.*** If, in Fiscal Year 2017-2018, the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than $20,000,000, the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to $20,000,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, “scholarship organization” has the meaning ascribed to it in NRS 388D.260.

Sec. 2. NRS 363B.119 is hereby amended to read as follows:

363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection ***and subsection 4 of NRS 363A.139*** is [~~:~~

~~(a) For Fiscal Year 2015-2016, $5,000,000;~~

~~(b) For Fiscal Year 2016-2017, $5,500,000; and~~

~~(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.~~

➥] ***$6,655,000.*** The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. In addition to the amount of credits authorized by subsection 4 for Fiscal Year 2017-2018, the Department of Taxation may approve applications for the credit authorized by subsection 1 for that fiscal year until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363A.139 is $20,000,000. The provisions of [~~paragraph (c) of~~] subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits

authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to ~~[that paragraph.]~~ ***subsection 4.*** If, in Fiscal Year 2017-2018, the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than $20,000,000, the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to $20,000,000. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

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

Assemblywoman Neal moved that the Assembly concur in the Senate Amendment No. 793 to Assembly Bill No. 458.

Remarks by Assemblywoman Neal.

ASSEMBLYWOMAN NEAL:

The amendment goes back and fixes the law so that the total applies to the modified business tax as a whole, not each chapter.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 41.

The following Senate amendment was read:

Amendment No. 727.

AN ACT relating to victims of crime; requiring additional entities to accept fictitious addresses from certain victims of crime; prohibiting the maintenance, use and disclosure of certain identifying information of such victims by the

additional entities except under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Child and Family Services of the Department of Health and Human Services to issue a fictitious address to an adult person, a parent or guardian acting on behalf of a child or a guardian acting on behalf of an incapacitated person who has been a victim of domestic violence, human trafficking, sexual assault or stalking who applies for the issuance of a fictitious address. (NRS 217.462-217.471) Existing law also prohibits the Division from disclosing the name, the confidential address or fictitious address of a participant, except in certain circumstances. (NRS 217.464) **Section 1** of this bill requires a governmental entity or provider of a utility service in this State to allow the use of a fictitious address upon the request of a participant who has received a fictitious address issued by the Division. **Section 1** also prohibits such entities from disclosing the same information prohibited from disclosure by the Division and expands the protected information to include the telephone number and image of the person with the fictitious address. Additionally, **section 1** sets forth the circumstances under which such entities may maintain, use and disclose the confidential address of a participant.

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

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

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

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

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

2. ***Upon request of a participant, a governmental entity or provider of a utility service in this State to which the participant is required to provide an address shall allow the participant to use the fictitious address issued by the Division. A governmental entity or provider of a utility service who receives a request pursuant to this subsection shall not maintain a record of the confidential address of the participant, unless:***

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

(b) The provision of service by a provider of a utility service is impossible without maintaining the confidential address of the participant.

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

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

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

(b) The Division ***, governmental entity or provider of a utility service*** is directed to do so by lawful order of a court of competent jurisdiction, in which case the Division ***, governmental entity or provider of a utility service*** shall make the address available to the person identified in the order ~~[.~~
~~3.]~~ ***; or***

(c) The Division, governmental entity or provider of a utility service is required to do so by federal or state law.

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

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

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

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

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

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 727 to Assembly Bill No. 41.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

This amendment adds language allowing the Division of Child and Family Services of the Department of Health and Human Services or a governmental entity or provider of utility services to share a person's actual address pursuant to federal law or state law.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 126.

The following Senate amendment was read:

Amendment No. 719.

AN ACT relating to civil actions; enacting provisions governing the procedure for changing the name of an unemancipated minor who is in the custody of an agency which provides child welfare services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the procedure for a parent of an unemancipated minor to change the name of the minor. (NRS 41.295, 41.296, 41.297) **Section 3** of this bill authorizes an attorney representing an unemancipated minor in the legal custody of an agency which provides child welfare services to file a petition to change the name of the minor. The petition must include: (1) the minor's present name; (2) the name the minor will bear in the future; (3) the reason for the name change; (4) the consent of the minor if the minor is over 14 years of age; (5) the verified consent of any parent of the child who consents to the name change; (6) the name and address of each parent of the minor, if known; and (7) whether the minor has been convicted of a felony.

Section 4 of this bill requires the petitioning attorney to personally serve notice upon each parent of the unemancipated minor unless each parent consents to the change of name or the court has determined that it is in the best interest of the minor to not require notice of the petition to be provided to a parent of the minor. If the petitioning attorney ~~[can establish]~~ **submits an affidavit** to the court **stating** that notice cannot be personally served on a parent, the court may order the ~~[petitioning attorney to: (1) publish the notice in a newspaper of general circulation for 3 successive weeks; and (2) serve notice and a copy of the petition by mail to that parent's last known address.]~~ **service to be made by publication.**

Section 5 of this bill requires the court to order the unemancipated minor's name changed as requested in the petition if: (1) the court determines that the name change is in the best interest of the minor; and (2) the verified consent of each parent is stated in the petition. However, under **section 5**, if the court determines that it is in the best interest of the minor to waive the requirement for one or both parents of the minor to consent to the name change, the court is authorized to waive the requirement to obtain the consent of one or both parents of the minor. **Section 5** also requires the court to hold a hearing to determine whether the name change is in the best interest of the minor if an objection is filed by a parent of the minor within a certain period.

Section 6 of this bill authorizes a petition to change the name of an unemancipated minor who is in the legal custody of an agency which provides child welfare services to be filed in a child welfare proceeding or in an action concerning divorce, child custody, the establishment of parentage, the termination of parental rights or the emancipation of the minor. If such a petition is filed, the notice and service requirements of the applicable proceeding or action apply.

Section 7 of this bill provides that the provisions of existing law governing the procedure to change the name of an unemancipated minor do not apply to an unemancipated minor in the legal custody of an agency which provides child welfare services because **sections 2-6** of this bill would govern a name change for such a minor.

Section 8 of this bill makes a conforming change.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.***

Sec. 3. ***1. An attorney representing an unemancipated minor in the legal custody of an agency which provides child welfare services who desires to have the name of the minor changed may file a verified petition with the clerk of the district court of the district in which the minor resides.***

2. The petition must be addressed to the court and must state:

(a) The unemancipated minor's present name;

(b) The name which the unemancipated minor will bear in the future;

(c) The reason for desiring the name change;

(d) The consent of the unemancipated minor, if over the age of 14 years;

(e) The verified consent, if any, of one or both parents of the unemancipated minor;

(f) The name and address of each parent of the unemancipated minor, if known; and

(g) Whether the unemancipated minor has been convicted of a felony.

Sec. 4. ***1. Unless the verified consent of each parent is stated in the petition, and except as otherwise provided in ~~[subsections 2 and 3,]~~ this section, upon the filing of the petition filed by the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services, the attorney shall make out and procure a notice that must:***

(a) State the fact of filing of the petition, its object, the unemancipated minor's present name and the name which the minor will bear in the future; and

(b) Be personally served with a copy of the petition upon each parent whose verified consent is not stated in the verified petition.

2. If the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services submits ~~[proof satisfactory]~~ to the court an affidavit stating that notice cannot , after due diligence, be personally served on a parent, the court may grant an order ~~[the attorney to:~~

~~(a) Publish notice in a newspaper of general circulation in the county once a week for 3 successive weeks; and~~

~~(b) Serve notice and a copy of the verified petition by registered or certified mail to that parent at his or her last known address.~~

~~3.]~~ ***that the service be made by publication. When the affidavit is based on the fact that the present address of the parent is unknown, it is a sufficient showing of that fact if the affiant states generally in the affidavit that:***

(a) At a previous time the parent resided in a certain place (naming the place and stating the latest date known to the affiant when the parent so resided there);

(b) That place is the last place in which the parent resided to the knowledge of the affiant;

(c) The parent no longer resides at that place; and

(d) The affiant does not know the present place of residence of the parent or where the parent can be found.

➥ ***In such case, the affidavit shall be deemed to be a sufficient showing of due diligence to find the parent.***

3. The order must direct the publication to be made in a newspaper, to be designated by the court, for a period of 4 weeks, and at least once a week during that time. When publication is ordered, personal service of a copy of the notice is equivalent to completed service by publication, and the person so served has 10 days after the service to appear and answer or otherwise plead. The service of the notice shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication.

4. Before a notice is published pursuant to subsection 2, the clerk of the court shall ensure that the name of the unemancipated minor is replaced with the initials of the minor in every instance where the name of the minor appears in the notice of hearing.

5. Whenever personal service cannot be made, the court may require, before ordering service by publication, such further and additional search to determine the whereabouts of the parent to be served as may be warranted by the facts stated in the affidavit to the end that actual notice be given whenever possible.

6. If one or both of the parents of the unemancipated minor are unknown, or if the name of either or both parents of the minor is uncertain, those facts must be set forth in the affidavit and the court shall order the notice to be directed and addressed to either parent of the minor, and to all persons claiming to be the parent of the minor. The notice, after the caption, must be addressed substantially as follows: "To the parents of the above-named person, and to all persons claiming to be the parent of that person."

7. A parent who delivered a child to a provider of emergency services pursuant to NRS 432B.630 shall be deemed to have waived any right to notice pursuant to this section.

8. A court may waive the requirement to provide notice to a parent pursuant to subsection 1 or 2, as applicable, if the petitioner files a motion seeking waiver of such notice and presents evidence satisfactory to the court that waiving the requirement for such notice is in the best interest of the

unemancipated minor ~~[.]~~ ***based upon the factors listed in subsection 4 of section 5 of this act.***

Sec. 5. ***1. Except as otherwise provided in subsection 2, the court shall make an order changing the name of the minor as prayed for in the petition filed by the attorney representing the unemancipated minor in the legal custody of an agency which provides child welfare services, upon being satisfied by the statements in the petition or other evidence that the name change is in the best interest of the unemancipated minor pursuant to subsection 4 if:***

(a) The verified consent of:

(1) Each parent of the unemancipated minor is stated in the petition; or

(2) One parent of the unemancipated minor is stated in the petition, if a court finds that it is in the best interest of the minor not to require the other parent to consent to the name change;

(b) Notice is required to be served or published pursuant to section 4 of this act, no written objection is filed with the clerk by a parent of the minor within 10 days after the parent is personally served or the last day of publication as ordered in section 4 of this act, upon proof of the filing of the petition and evidence of service ~~[.]~~ ***; or***

(c) The requirement to provide notice to one or both parents of the unemancipated minor was waived pursuant to subsection 8 of section 4 of this act.

2. If an objection is filed within the prescribed time period pursuant to this section, the court shall appoint a day for hearing the proofs, respectively, of the petitioner and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show that making the name change is in the best interest of the unemancipated minor ~~[.]~~ ***pursuant to subsection 4.***

3. Upon the making of an order either granting or denying the prayer of the petitioner, the order must be recorded as a judgment of the court. If the petition is granted, the name of the unemancipated minor must thereupon be stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

4. In determining the best interest of the unemancipated minor, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the unemancipated minor if the minor is of sufficient age and capacity to form an intelligent preference as to his or her name change.

(b) The level of conflict between the parents.

(c) The mental and physical health of the parents.

(d) The physical, developmental and emotional needs of the unemancipated minor.

(e) The nature of the relationship of the unemancipated minor with each parent.

(f) Any history of parental abuse or neglect of the unemancipated minor or a sibling of the minor.

(g) Whether either parent or any other person has engaged in an act of domestic violence against the unemancipated minor, a parent of the minor or any other person residing with the minor.

(h) Whether either parent has committed any act of abduction against the unemancipated minor or any other minor.

Sec. 6. ***1. In addition to a petition to change the name of an unemancipated minor in the legal custody of an agency which provides child welfare services which is filed pursuant to this chapter, such a petition may be filed in any action brought under the provisions of chapter 122A, 125, 125C, 126, 128, 129 or 432B of NRS. For any petition filed, the notice and service requirements of the chapter under which the applicable action was brought must be met.***

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 7. ***1. The provisions of NRS 41.291 to 41.298, inclusive, and this section do not apply to an unemancipated minor who is in the legal custody of an agency which provides child welfare services.***

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 8. NRS 41.291 is hereby amended to read as follows:

41.291 As used in NRS 41.291 to 41.298, inclusive, ***and section 7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 41.293 and 41.294 have the meanings ascribed to them in those sections.

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

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 719 to Assembly Bill No. 126.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment makes various changes, including the notice of service by publication, what must be shown in the affidavit to prove due diligence, and also when those requirements can be waived.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 226.

The following Senate amendment was read:

Amendment No. 767.

SUMMARY—Prohibits ~~[any person]~~ **certain entities or persons** from requiring ~~[or authorizing]~~ another person to undergo implantation of a

microchip or other permanent identification marker **.** ~~[under certain circumstances.]~~ (BDR 15-25)

AN ACT relating to crimes; prohibiting ~~[any person]~~ **certain entities or persons** from requiring ~~[or authorizing]~~ another person to undergo implantation of a microchip or other permanent identification marker **;** ~~[under certain circumstances;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill prohibits **the following entities or persons from requiring another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature: (1)** an officer or employee of this State or any political subdivision thereof ~~[or any other person from: (1) requiring another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature; (2) establishing a program that authorizes a person to voluntarily elect to undergo the implantation of such a microchip or permanent identification marker; or (3) participating in a program established by another person, if the program authorizes a person to voluntarily elect to undergo the implantation of such a microchip or permanent identification marker.]~~ **; (2) an employer who requires such an implant as a condition of employment; (3) a person licensed to sell or provide insurance; or (4) a person licensed to participate in a business related to bail.** This bill also defines "microchip" **and "voluntarily"** for the purposes of this bill.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~***[An officer or employee of this State or any political subdivision thereof or any other person shall not:***~~

~~***(a) Require]***~~ ***It is unlawful for any entity or person described in paragraphs (a) to (d), inclusive, to require another person to undergo the implantation of a microchip or other permanent identification marker of any kind or nature*** ~~***[;***~~

~~***(b) Establish a program that authorizes a person to voluntarily elect to undergo the implantation of a microchip or other permanent identification marker of any kind or nature; or***~~

~~***(c) Participate in a program established by another person, if the program authorizes a person to voluntarily elect]***~~ ***:***

(a) An officer or employee of this State or any political subdivision thereof;

(b) An employer as a condition of employment;

(c) A person licensed to sell or provide insurance pursuant to title 57 of NRS; or

(d) A person licensed to participate in a business related to bail pursuant to chapter 697 of NRS.

2. The provisions of this section shall not be construed to prohibit a natural person from voluntarily electing to undergo the implantation of a microchip or other permanent identification marker of any kind or nature.

[2.] 3. A person who violates the provisions of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

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

(a) "Microchip" means a device that is subcutaneously implanted in a person and that is passively or actively capable of transmitting personal information to another device using radio frequency technology.

[(b)] The term does not include a device that is [subcutaneously] implanted in a person if the device:

(1) Is incapable of passively or actively transmitting personal information to another device using radio frequency technology ; [and the device:

(I) Is used for the purpose of self-expression; or

(II) Is used in the diagnosis, monitoring, treatment or prevention of a health condition; or]

(2) Is capable of passively or actively transmitting personal information to another device using radio frequency technology and the device:

(I) Is used in the diagnosis, monitoring, treatment or prevention of a health condition; and

(II) Only transmits such information as is necessary to carry out the diagnosis, monitoring, treatment or prevention of the health condition [.] ; or

(3) Is any type of hearing aid or hearing implant device.

(b) "Voluntarily" means without an incentive or other inducement.

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 767 to Assembly Bill No. 226.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Among other things, the amendment removes the blanket prohibition on the implantation of a microchip and instead provides that a person may choose to implant a microchip voluntarily and defines the term "voluntarily."

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 440.

The following Senate amendment was read:

Amendment No. 774.

AN ACT relating to construction; requiring a licensee who builds a new, single-family residence to provide to the purchaser of the residence a disclosure containing certain information and a builder's warranty that meets

certain criteria; revising provisions relating to the acts or omissions that constitute cause for disciplinary action by the State Contractors' Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain acts or omissions constitute cause for disciplinary action by the State Contractors' Board. (NRS 624.301, 624.3016) **Section 1** of this bill requires a licensee who builds a new, single-family residence to provide to the purchaser of the new residence a disclosure containing certain information and a builder's warranty that meets certain criteria. **Section 1.7** of this bill provides that the failure of a licensee to [~~comply with~~] **provide a builder's warranty as required by section 1 , to respond reasonably to a claim made under the builder's warranty** or **to comply** with the requirement to notify an owner about the Residential Construction Recovery Fund constitutes cause for disciplinary action by the Board. **Section 1.3** of this bill revises the elements of certain acts that constitute cause for such disciplinary action by the Board.

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

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensee who completes construction of a new, single-family residence shall provide to the purchaser of the residence:

(a) A separate, single-page disclosure describing the rights of the purchaser under this chapter, including, without limitation, the right to file a complaint pursuant to NRS 624.480 seeking recovery from the account established pursuant to NRS 624.470; and

(b) A builder's warranty that meets the requirements of this section.

2. A builder's warranty provided by a licensee pursuant to this section must:

(a) Be in writing.

(b) Be valid for a period of at least 1 year from the date of [~~***occupancy of the residence by the purchaser of the residence or the date that title to the residence transfers to the purchaser, whichever is earlier, except that the period of validity of the builder's warranty must be extended beyond the 1-year period, if necessary, for any claim submitted to the licensee in writing during the 1-year period until the claim has been resolved or the item requiring repair has been reasonably repaired. For the purposes of this paragraph, "reasonably repaired" means repaired consistent with the performance standards set forth in the builder's warranty or, if there are no applicable performance standards set forth in the builder's warranty, commensurate with standards of the trade that are in general effect at the time of completion of construction.***~~] *completion of a written punch list. As used in this paragraph, "punch list" means a list of any materials or work describing incomplete or incorrect installations or incidental damage to*

existing finishes, material and structures that do not conform to the specifications of the contract or the requirements of subsection 1 of NRS 624.3017.

(c) Contain terms that include, without limitation, warrantying all home systems, workmanship, materials, plumbing, electrical and mechanical systems, appliances installed by contractors, fixtures, equipment and structural components, unless a separate warranty is provided by the manufacturer or installer of such a product, component or system.

(d) Be transferable to a subsequent purchaser of the residence.

(e) Not be deemed, construed or interpreted to constitute a waiver or release of any other warranty from the licensee provided by contract or otherwise available under the laws of this State.

~~***[3. A licensee who fails to comply with this section:***~~

~~***(a) Commits an act or omission that constitutes cause for disciplinary action as provided in subsection 12 of NRS 624.3016;***~~

~~***(b) May be subject to a written administrative citation as provided in NRS 624.341; and***~~

~~***(c) If the failure arises out of being nonresponsive to a reasonable claim under the builder's warranty, in addition to any other disciplinary action imposed by the Board, may be ordered by the Board to reimburse the purchaser for any costs or expenses incurred by the purchaser for hiring another licensee to repair the item at issue or resolve the claim.]***~~

Sec. 1.3. NRS 624.301 is hereby amended to read as follows:

624.301 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Abandonment without legal excuse of any construction project or operation **.** ~~[engaged in or undertaken by the licensee as a contractor.]~~

2. Abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment, unless the contractor is entitled to retain the amount paid pursuant to the terms of the contract or the contractor refunds the excessive amount paid within 30 days after the abandonment of the project.

3. Failure in a material respect ~~[on the part of a licensee]~~ to complete any construction project or operation for the price stated in the contract for the project or operation or any modification of the contract.

4. ~~[Willful failure]~~ ***Failure*** or refusal without legal excuse ~~[on the part of a licensee as a contractor]~~ to prosecute a construction project or operation with reasonable diligence **.** ~~[, thereby causing material injury to another.]~~

5. ~~[Willful failure]~~ ***Failure*** or refusal without legal excuse on the part of a licensee to comply with the terms of a construction contract or written warranty **.** ~~[, thereby causing material injury to another.]~~

Sec. 1.7. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245 ***,*** ~~[or]~~ 108.246 ~~[.]~~ ***or 624.520.***

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.600.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

8. Failure to pay an assessment required pursuant to NRS 624.470.

9. Failure to file a certified payroll report that is required for a contract for a public work.

10. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

11. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

12. Failure to ~~***[comply with]***~~ ***provide a builder's warranty as required by section 1 of this act*** ~~***[.]***~~ ***or to respond reasonably to a claim made under a builder's warranty.***

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 774 to Assembly Bill No. 440.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

The amendment provides that a builder who fails to provide a warranty upon completion of a written punch list under the bill's provisions to respond reasonably to a complaint under such a warranty or to notify an owner about the Residential Construction Recovery Fund is subject to disciplinary action by the State Contractors' Board.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 685.

AN ACT relating to controlled substances; revising requirements concerning the review and investigation of a complaint concerning certain violations relating to controlled substances; requiring certain professional licensing boards that regulate prescriptions for controlled substances or practitioners who issue such prescriptions to develop and disseminate an explanation or technical advisory bulletin concerning certain requirements relating to such prescriptions; clarifying the independent authority of the State Board of Pharmacy to take disciplinary action; revising provisions concerning prescribing controlled substances for the treatment of pain; requiring a system for the maintenance of electronic health records to have certain capabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Executive Director of a professional licensing board that licenses practitioners who are authorized to prescribe controlled substances to conduct a review and evaluation of any complaint or information indicating that a practitioner has engaged in certain inappropriate activity with regard to a controlled substance listed in schedule II, III or IV. (NRS 630.323, 631.364, 632.352, 633.574, 635.152, 636.338) **Sections 1-6** of this bill remove the requirement that such a review and an investigation include requiring the practitioner to attest that he or she has complied with certain requirements concerning the prescription of such controlled substances.

Existing law requires a practitioner, other than a veterinarian, to obtain a patient utilization report from the computerized prescription monitoring program before issuing an initial prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a controlled substance listed in schedule V and at least once every 90 days thereafter for the duration of the course of treatment using the controlled substance. (NRS 639.23507) Existing law additionally requires a practitioner, other than a veterinarian, to meet certain requirements, including performing an evaluation and risk assessment and obtaining informed written consent, before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain. (NRS 639.23911, 639.23914) Existing law defines the term "initial prescription" to mean a prescription originated for a new patient of a practitioner, other than a veterinarian, or a new prescription to begin a new course of treatment for an existing patient of a practitioner, other than a veterinarian. (NRS 639.0082) Existing regulations of the State Board of Pharmacy define the term "course of treatment" to mean all treatment of a patient for a particular disease or symptom of a disease. (LCB File No. R047-18, adopted on June 26, 2018) **Section 7.3** of this bill codifies this definition into statute, and **section 8** of this bill makes a conforming change. **Section 9** of this bill revises requirements concerning the use of a patient utilization report.

Section 7.6 of this bill provides that certain requirements concerning prescriptions of a controlled substance listed in schedule II, III or IV for the treatment of pain do not apply to prescriptions for the treatment of the pain of

a patient **with whom the prescribing practitioner has a bona fide relationship and** who: (1) has been diagnosed with cancer or sickle cell disease or any of its variants; or (2) is receiving hospice or palliative care. **Section 7.6** also authorizes a practitioner to obtain informed consent that meets certain guidelines in lieu of obtaining informed consent that meets the statutory requirements for informed consent before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of the pain of such a patient.

Existing law imposes certain limitations on an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain. (NRS 639.2391) Existing regulations of the Board define the term "acute pain" to mean pain that has an abrupt onset and is caused by an injury or another cause that is not ongoing. (LCB File No. R047-18) **Section 10** of this bill: (1) codifies that definition into law; and (2) authorizes a practitioner to prescribe an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain for a longer amount of time if the practitioner determines that it is medically necessary.

Existing law requires an evaluation and risk assessment to be performed before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain to include: (1) a review of the medical history of the patient; (2) a physical examination; (3) obtaining informed written consent to the use of the controlled substance; and (4) a good faith effort to review the medical records of the patient. (NRS 639.23912) **Section 11** of this bill limits the scope of the review of medical history and physical examination. **Sections 10.5 and 11** of this bill additionally eliminate the requirement that informed consent must be in writing. **Section 11** also limits the applicability of the requirement to make a good faith effort to review the medical records of the patient to: (1) initial prescriptions that will be for more than 30 days; and (2) medical records that are relevant to the prescription.

Section 11.5 of this bill requires the State Board of Pharmacy to develop and disseminate to each professional licensing board that licenses a practitioner who is authorized to prescribe controlled substances or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those professional licensing boards of requirements concerning prescriptions for controlled substances listed in schedule II, III or IV and to update those explanations or bulletins as necessary. **Sections 1-6** require each of those professional licensing boards to develop and disseminate or make available to each licensee who is authorized to prescribe controlled substances a similar explanation or bulletin concerning those requirements and the procedures for imposing disciplinary action upon a licensee who violates those requirements.

Existing regulations of the Board provide that obtaining informed written consent to the use of a controlled substance listed in schedule II, III or IV for the treatment of pain includes viewing previously obtained informed written consent and discussing the provisions of the informed written consent with the

person who provided it. (LCB File No. R047-18) **Section 13** of this bill provides for the removal of those provisions of that regulation.

Existing law authorizes the State Board of Pharmacy to suspend or revoke a registration to dispense a controlled substance under certain circumstances. (NRS 453.236, 453.241) **Section 12** of this bill clarifies that such authority is not limited by the authority of any other regulatory body to take disciplinary action for the same conduct.

Existing law requires the State Board of Pharmacy and the Investigation Division of the Department of Public Safety to cooperatively develop a computerized program to track prescriptions for controlled substances listed in schedule II, III, IV or V. To the extent that money is available, existing law requires that program to include the ability to integrate the records of patients in the database of the program with the electronic health records of practitioners. (NRS 453.162) If the program includes that ability, **section 12.5** of this bill requires any person or entity that provides a system for the maintenance of electronic health records to a practitioner to ensure that the system includes the ability to integrate the records of patients in the database into the practitioner's electronic health records.

Existing law requires a practitioner to consider certain factors before prescribing a controlled substance listed in schedule II, III or IV. (NRS 639.23915) **Section 14** of this bill repeals that requirement, and **sections 1-6** of this bill remove references to that requirement.

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

Section 1. NRS 630.323 is hereby amended to read as follows:

630.323 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; ***and***

(b) [~~A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~(c)~~] A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall [~~adopt~~] ***:***

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each physician and physician assistant licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those physicians and physician assistants of the requirements of this section and NRS 630.324, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include,

without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 2. NRS 631.364 is hereby amended to read as follows:

631.364 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; ***and***

(b) ~~[A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911and 639.23915, as applicable; and~~
~~(c)]~~ A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall ~~[adopt]~~ ***:***

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each dentist licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those dentists of the requirements of this section and NRS 631.365, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 3. NRS 632.352 is hereby amended to read as follows:

632.352 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; ***and***

(b) ~~[A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~(c)]~~ A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall ~~[adopt]~~ ***:***

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each advanced practice registered nurse licensed pursuant to NRS 632.237 or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those advanced practice registered nurses of the requirements of this section and NRS 632.353, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 4. NRS 633.574 is hereby amended to read as follows:

633.574 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; ***and***

(b) ~~[A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~(c)]~~ A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected

fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall ~~[adopt]~~ ***:***

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each osteopathic physician and physician assistant licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those osteopathic physicians and physician assistants of the requirements of this section and NRS 633.577, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 5. NRS 635.152 is hereby amended to read as follows:

635.152 1. The President of the Board or his or her designee shall review and evaluate any complaint or information received from the Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the President of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the President or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; ***and***

(b) [~~A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~
~~(c)~~] A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the President or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the President of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall [~~adopt~~] ***:***

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each podiatric physician licensed pursuant to this chapter or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those podiatric physicians of the requirements of this section and NRS 635.153, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 6. NRS 636.338 is hereby amended to read as follows:

636.338 1. The Executive Director of the Board or his or her designee shall review and evaluate any complaint or information received from the

Investigation Division of the Department of Public Safety or the State Board of Pharmacy, including, without limitation, information provided pursuant to NRS 453.164, or from a law enforcement agency, professional licensing board or any other source indicating that:

(a) A licensee has issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV;

(b) A pattern of prescriptions issued by a licensee indicates that the licensee has issued prescriptions in the manner described in paragraph (a); or

(c) A patient of a licensee has acquired, used or possessed a controlled substance listed in schedule II, III or IV in a fraudulent, illegal, unauthorized or otherwise inappropriate manner.

2. If the Executive Director of the Board or his or her designee receives information described in subsection 1 concerning the licensee, the Executive Director or his or her designee must notify the licensee as soon as practicable after receiving the information.

3. A review and evaluation conducted pursuant to subsection 1 must include, without limitation:

(a) A review of relevant information contained in the database of the program established pursuant to NRS 453.162; ***and***

(b) [~~A requirement that the licensee who is the subject of the review and evaluation attest that he or she has complied with the requirements of NRS 639.23507, 639.2391, 639.23911 and 639.23915, as applicable; and~~

~~(c)~~] A request for additional relevant information from the licensee who is the subject of the review and evaluation.

4. If, after a review and evaluation conducted pursuant to subsection 1, the Executive Director or his or her designee determines that a licensee may have issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription for a controlled substance listed in schedule II, III or IV, the Board must proceed as if a written complaint had been filed against the licensee. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that the licensee issued a fraudulent, illegal, unauthorized or otherwise inappropriate prescription, the Board must impose appropriate disciplinary action.

5. When deemed appropriate, the Executive Director of the Board may:

(a) Refer information acquired during a review and evaluation conducted pursuant to subsection 1 to another professional licensing board, law enforcement agency or other appropriate governmental entity for investigation and criminal or administrative proceedings.

(b) Postpone any notification, review or part of such a review required by this section if he or she determines that it is necessary to avoid interfering with any pending administrative or criminal investigation into the suspected fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, dispensing or use of a controlled substance.

6. The Board shall [~~adopt~~] ***:***

(a) Adopt regulations providing for disciplinary action against a licensee for inappropriately prescribing a controlled substance listed in schedule II, III or IV or violating the provisions of NRS 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto. Such disciplinary action must include, without limitation, requiring the licensee to complete additional continuing education concerning prescribing controlled substances listed in schedules II, III and IV.

(b) Develop and disseminate to each optometrist who is certified to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288 or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those optometrists of the requirements of this section and NRS 636.339, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

Sec. 7. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.3 and 7.6 of this act.

Sec. 7.3. ***"Course of treatment" means all treatment of a patient for a particular disease or symptom of a disease, including, without limitation, a new treatment initiated by any practitioner, other than a veterinarian, for a disease or symptom for which the patient was previously receiving treatment.***

Sec. 7.6. ***1. Except as otherwise provided in this section, the provisions of NRS 639.2391 to ~~[639.23916,]~~ 639.23914, inclusive, do not apply to any prescription for a controlled substance listed in schedule II, III or IV for the treatment of the pain of a patient who:***

(a) Has been diagnosed with cancer or sickle cell disease or any of its variants; or

(b) Is receiving hospice care or palliative care.

2. Before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of the pain of a patient described in subsection 1, a practitioner must ~~[obtain]~~ :

(a) Have established a bona fide relationship, as described in subsection 4 of NRS 639.235, with the patient; and

(b) Obtain informed consent to the use of the controlled substance that meets the requirements of subsection 2 of NRS 639.23912 or any applicable guidelines or standards for informed consent prescribed by:

~~[(a)]~~ (1) If the patient is receiving hospice or palliative care, the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;

~~[(b)]~~ (2) If the patient has been diagnosed with cancer, the American Society of Clinical Oncology or its successor organization or, if that

organization ceases to exist, a similar organization designated by regulation of the Board; or

~~[(c)]~~ *(3)* ***If the patient has been diagnosed with sickle cell disease or any of its variants, the National Heart, Lung and Blood Institute or its successor organization or, if that organization ceases to exist, a similar organization designated by regulation of the Board.***

Sec. 8. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, ***and section 7.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 639.23507 is hereby amended to read as follows:

639.23507 1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** practitioner, other than a veterinarian, shall, before issuing an initial prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a controlled substance listed in schedule V and at least once every 90 days thereafter for the duration of the course of treatment using the controlled substance, obtain a patient utilization report regarding the patient from the computerized program established by the Board and the Investigation Division of the Department of Public Safety pursuant to NRS 453.162. The practitioner shall:

(a) Review the patient utilization report ***;*** ~~[to assess whether the prescription for the controlled substance is medically necessary;]~~ and

(b) Determine whether the patient has been issued another prescription for the same controlled substance that provides for ongoing treatment using the controlled substance. If the practitioner determines from the patient utilization report or from any other source that the patient has been issued such a prescription, the practitioner shall not prescribe the controlled substance ~~[.]~~ ***unless the practitioner determines that issuing the prescription is medically necessary.***

2. ***A practitioner, other than a veterinarian, may issue a prescription for a controlled substance listed in schedule II, III or IV or an opioid that is a controlled substance listed in schedule V for the treatment of a patient who has been diagnosed with cancer or sickle cell disease or who is receiving hospice or palliative care without complying with the requirements of subsection 1 if the practitioner determines that obtaining a patient utilization report will unreasonably delay care of the patient. A practitioner who issues a prescription pursuant to this subsection must obtain a patient utilization report as described in subsection 1 as soon as practicable.***

3. If a practitioner who attempts to obtain a patient utilization report as required by subsection 1 fails to do so because the computerized program is unresponsive or otherwise unavailable, the practitioner:

(a) Shall be deemed to have complied with subsection 1 if the practitioner documents the attempt and failure in the medical record of the patient.

(b) Is not liable for the failure.

~~[3.]~~ ***4.*** The Board shall adopt regulations to provide alternative methods of compliance with subsection 1 for a physician while he or she is providing service in a hospital emergency department. The regulations must include, without limitation, provisions that allow a hospital to designate members of hospital staff to act as delegates for the purposes of accessing the database of the computerized program and obtaining patient utilization reports from the computerized program on behalf of such a physician.

Sec. 10. NRS 639.2391 is hereby amended to read as follows:

639.2391 1. If a practitioner, other than a veterinarian, prescribes or dispenses to a patient for the treatment of pain a quantity of controlled substance that exceeds the amount prescribed by this subsection, the practitioner must document in the medical record of the patient the reasons for prescribing that quantity. A practitioner shall document the information required by this subsection if the practitioner prescribes for or dispenses for the treatment of pain:

(a) In any period of 365 consecutive days, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 365 days if the patient adheres to the dose prescribed; or

(b) At any one time, a larger quantity of a controlled substance listed in schedule II, III or IV than will be used in 90 days if the patient adheres to the dose prescribed.

2. ~~[A]~~ ***Unless the practitioner determines that the prescription is medically necessary, a*** practitioner, other than a veterinarian, shall not issue an initial prescription of a controlled substance listed in schedule II, III or IV for the treatment of acute pain that prescribes:

(a) An amount of the controlled substance that is intended to be used for more than 14 days; and

(b) If the controlled substance is an opioid and a prescription for an opioid has never been issued to the patient or the most recent prescription issued to the patient for an opioid was issued more than 19 days before the date of the initial prescription for the treatment of acute pain, a dose of the controlled substance that exceeds 90 morphine milligram equivalents per day. For the purposes of this paragraph, the daily dose of a controlled substance must be calculated in accordance with the most recent guidelines prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

3. As used in this section, "acute pain" means pain that has an abrupt onset and is caused by injury or another cause that is not ongoing. The term does not include chronic pain or pain that is being treated as part of care for cancer, palliative care, hospice care or other end-of-life care.

Sec. 10.5. NRS 639.23911 is hereby amended to read as follows:

639.23911 1. Before issuing an initial prescription for a controlled substance listed in schedule II, III or IV for the treatment of pain, a practitioner, other than a veterinarian, must:

(a) Have established a bona fide relationship, as described in subsection 4 of NRS 639.235, with the patient;

(b) Perform an evaluation and risk assessment of the patient that meets the requirements of subsection 1 of NRS 639.23912;

(c) Establish a preliminary diagnosis of the patient and a treatment plan tailored toward treating the pain of the patient and the cause of that pain;

(d) Document in the medical record of the patient the reasons for prescribing the controlled substance instead of an alternative treatment that does not require the use of a controlled substance; and

(e) Obtain informed [~~written~~] consent to the use of the controlled substance that meets the requirements of subsection 2 of NRS 639.23912 from:

(1) The patient, if the patient is 18 years of age or older or legally emancipated and has the capacity to give such consent;

(2) The parent or guardian of a patient who is less than 18 years of age and not legally emancipated; or

(3) The legal guardian of a patient of any age who has been adjudicated mentally incapacitated.

2. If a practitioner, other than a veterinarian, prescribes a controlled substance listed in schedule II, III or IV for the treatment of pain, the practitioner shall not issue more than one additional prescription that increases the dose of the controlled substance unless the practitioner meets with the patient, in person or using telehealth, to reevaluate the treatment plan established pursuant to paragraph (c) of subsection 1.

Sec. 11. NRS 639.23912 is hereby amended to read as follows:

639.23912 1. An evaluation and risk assessment of a patient conducted pursuant to paragraph (b) of subsection 1 of NRS 639.23911 must include, without limitation:

(a) Obtaining and reviewing a ***relevant*** medical history of the patient.

(b) Conducting a physical examination of the patient [~~.~~] ***directed to the source of the patient's pain and within the scope of practice of the practitioner.***

(c) [~~Making~~] ***If the prescription is for a quantity of a controlled substance listed in schedule II, III or IV that is intended to be used in not less than 30 days:***

(1) Making a good faith effort to obtain and review [~~the~~] ***any*** medical records of the patient from any other provider of health care who has provided care to the patient [~~. The practitioner shall document~~] ***that are relevant to the prescription; and***

(2) Documenting efforts to obtain such medical records and the conclusions from reviewing any such medical records in the medical record of the patient.

(d) Assessing the mental health and risk of abuse, dependency and addiction of the patient using methods supported by peer-reviewed scientific research and validated by a nationally recognized organization.

2. The informed ~~[written]~~ consent obtained pursuant to paragraph (e) of subsection 1 of NRS 639.23911 must include ~~[, without limitation,]~~ ***, where applicable,*** information concerning:

(a) The potential risks and benefits of treatment using the controlled substance, including if a form of the controlled substance that is designed to deter abuse is available, the risks and benefits of using that form;

(b) Proper use of the controlled substance;

(c) Any alternative means of treating the symptoms of the patient and the cause of such symptoms;

(d) The important provisions of the treatment plan established for the patient pursuant to paragraph (c) of subsection 1 of NRS 639.23911 in a clear and simple manner;

(e) The risks of dependency, addiction and overdose during treatment using the controlled substance;

(f) Methods to safely store and legally dispose of the controlled substance;

(g) The manner in which the practitioner will address requests for refills of the prescription, including, without limitation, an explanation of the provisions of NRS 639.23913, if applicable;

(h) If the patient is a woman between 15 and 45 years of age, the risk to a fetus of chronic exposure to controlled substances during pregnancy, including, without limitation, the risks of fetal dependency on the controlled substance and neonatal abstinence syndrome;

(i) If the controlled substance is an opioid, the availability of an opioid antagonist, as defined in NRS 453C.040, without a prescription; and

(j) If the patient is an unemancipated minor, the risks that the minor will abuse or misuse the controlled substance or divert the controlled substance for use by another person and ways to detect such abuse, misuse or diversion.

3. A practitioner shall document a conversation in which a patient provided informed consent that meets the requirements of subsection 2 in the medical record of the patient. If a patient provides informed written consent, the practitioner must include the document on which the informed consent is recorded in the medical record of the patient.

Sec. 11.5. NRS 639.23916 is hereby amended to read as follows:

639.23916 1. The Board may adopt any regulations necessary or convenient to enforce the provisions of NRS 639.23507 and 639.2391 to 639.23916, inclusive. Such regulations may impose additional requirements concerning the prescription of a controlled substance listed in schedule II, III or IV by a practitioner, other than a veterinarian, for the treatment of pain.

2. ***The Board shall develop and disseminate to each professional licensing board that licenses a practitioner, other than a veterinarian, or make available on the Internet website of the Board an explanation or a technical advisory bulletin to inform those professional licensing boards of the requirements of NRS 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted pursuant thereto. The Board shall update the explanation or bulletin as necessary to include any revisions to those***

provisions of law or regulations. The explanation or bulletin must include, without limitation, an explanation of the requirements that apply to specific controlled substances or categories of controlled substances.

3. A practitioner who violates any provision of NRS 639.23507 and 639.2391 to 639.23916, inclusive, or any regulations adopted pursuant thereto is:

(a) Not guilty of a misdemeanor; and

(b) Subject to professional discipline.

Sec. 12. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

The authority of the Board to take disciplinary action to enforce the provisions of this chapter is not limited by the authority of any other regulatory body that may be authorized or required to take disciplinary action for the same conduct with respect to any license, registration, certificate or other professional designation issued and regulated by that regulatory body.

Sec. 12.5. NRS 453.162 is hereby amended to read as follows:

453.162 1. The Board and the Division shall cooperatively develop a computerized program to track each prescription for a controlled substance listed in schedule II, III, IV or V that is filled by a pharmacy that is registered with the Board or that is dispensed by a practitioner who is registered with the Board. The program must:

(a) Be designed to provide information regarding:

(1) The inappropriate use by a patient of controlled substances listed in schedules II, III, IV or V to pharmacies, practitioners and appropriate state and local governmental agencies, including, without limitation, law enforcement agencies and occupational licensing boards, to prevent the improper or illegal use of those controlled substances; and

(2) Statistical data relating to the use of those controlled substances that is not specific to a particular patient.

(b) Be administered by the Board, the Investigation Division, the Division of Public and Behavioral Health of the Department and various practitioners, representatives of professional associations for practitioners, representatives of occupational licensing boards and prosecuting attorneys selected by the Board and the Investigation Division.

(c) Not infringe on the legal use of a controlled substance for the management of severe or intractable pain.

(d) Include the contact information of each person who is required to access the database of the program pursuant to NRS 453.164, including, without limitation:

(1) The name of the person;

(2) The physical address of the person;

(3) The telephone number of the person; and

(4) If the person maintains an electronic mail address, the electronic mail address of the person.

(e) Include, for each prescription of a controlled substance listed in schedule II, III, IV or V:

(1) The fewest number of days necessary to consume the quantity of the controlled substance dispensed to the patient if the patient consumes the maximum dose of the controlled substance authorized by the prescribing practitioner;

(2) Each state in which the patient to whom the controlled substance was prescribed has previously resided or filled a prescription for a controlled substance listed in schedule II, III, IV or V; and

(3) The code established in the International Classification of Diseases, Tenth Revision, Clinical Modification, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, or the code used in any successor classification system adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services, that corresponds to the diagnosis for which the controlled substance was prescribed.

(f) To the extent that money is available, include:

(1) A means by which a practitioner may designate in the database of the program that he or she suspects that a patient is seeking a prescription for a controlled substance for an improper or illegal purpose. If the Board reviews the designation and determines that such a designation is warranted, the Board shall inform pharmacies, practitioners and appropriate state agencies that the patient is seeking a prescription for a controlled substance for an improper or illegal purpose as described in subparagraph (1) of paragraph (a).

(2) The ability to integrate the records of patients in the database of the program with the electronic health records of practitioners.

2. ***If the Board includes in the program the ability to integrate the records of patients in the database of the program with the electronic health records of practitioners:***

(a) The Board may adopt any regulations necessary to carry out the integration; and

(b) Any person or entity that provides a system for the maintenance of electronic health records to a practitioner must ensure that the system includes, as a function of the system, the ability to integrate the records of patients in the database of the program into the electronic health records of the practitioner.

3. The Board, the Division and each employee thereof are immune from civil and criminal liability for any action relating to the collection, maintenance and transmission of information pursuant to this section and NRS 453.163 to 453.1645, inclusive, if a good faith effort is made to comply with applicable laws and regulations.

~~[3.]~~ ***4.*** The Board and the Division may apply for any available grants and accept any gifts, grants or donations to assist in developing and maintaining the program required by this section.

5. As used in this section, "electronic health record" has the meaning ascribed to it in 42 U.S.C. § 17921.

Sec. 13. Sections 2, 3 and 4 of the regulation adopted by the State Board of Pharmacy, LCB File No. R047-18, are hereby declared to be void and unenforceable on the effective date of this act. In preparing supplements to the Nevada Administrative Code on or after the effective date of this act, the Legislative Counsel shall remove those sections of that regulation.

Sec. 14. NRS 639.23915 is hereby repealed.

Sec. 15. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

639.23915 Practitioner to consider certain factors before prescribing certain controlled substances. Before prescribing a controlled substance listed in schedule II, III or IV, a practitioner, other than a veterinarian, must consider the following factors, when applicable:

1. Whether there is reason to believe that the patient is not using the controlled substance as prescribed or is diverting the controlled substance for use by another person.

2. Whether the controlled substance has had the expected effect on the symptoms of the patient.

3. Whether there is reason to believe that the patient is using other drugs, including, without limitation, alcohol, controlled substances listed in schedule I or prescription drugs, that:

(a) May interact negatively with the controlled substance prescribed by the practitioner; or

(b) Have not been prescribed by a practitioner who is treating the patient.

4. The number of attempts by the patient to obtain an early refill of the prescription.

5. The number of times the patient has claimed that the controlled substance has been lost or stolen.

6. Information from the database of the program established pursuant to NRS 453.162 that is irregular or inconsistent or indicates that the patient is inappropriately using a controlled substance.

7. Whether previous blood or urine tests have indicated inappropriate use of controlled substances by the patient.

8. The necessity of verifying that controlled substances, other than those authorized under the treatment plan established pursuant to paragraph (c) of subsection 1 of NRS 639.23911, are not present in the body of the patient.

9. Whether the patient has demonstrated aberrant behavior or intoxication.

10. Whether the patient has increased his or her dose of the controlled substance without authorization from the practitioner.

11. Whether the patient has been reluctant to stop using the controlled substance or has requested or demanded a controlled substance that is likely to be abused or cause dependency or addiction.

12. Whether the patient has been reluctant to cooperate with any examination, analysis or test recommended by the practitioner.
13. Whether the patient has a history of substance abuse.
14. Any major change in the health of the patient, including, without limitation, pregnancy, or any diagnosis concerning the mental health of the patient that would affect the medical appropriateness of prescribing the controlled substance for the patient.
15. Any other evidence that the patient is chronically using opioids, misusing, abusing, illegally using or addicted to any drug or failing to comply with the instructions of the practitioner concerning the use of the controlled substance.
16. Any other factor that the practitioner determines is necessary to make an informed professional judgment concerning the medical appropriateness of the prescription.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 685 to Assembly Bill No. 239.
Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:
Amendment 685 to Assembly Bill 239 clarifies that a practitioner who prescribes a controlled substance for the treatment of pain of a patient who has been diagnosed with certain conditions or is receiving certain care must follow the regulations of the Board of Pharmacy. Additionally, a practitioner must have established a bona fide relationship with the patient before issuing an initial prescription for a controlled substance.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 275.
The following Senate amendment was read:
Amendment No. 738.
AN ACT relating to licensing; prohibiting a regulatory body from denying licensure of an applicant based on his or her immigration or citizenship status; authorizing an applicant for a professional or occupational license who does not have a social security number to provide an individual taxpayer identification number; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person to apply for various professional and occupational licenses if such person meets the requirements established in statute and by the regulatory body which grants the license. (Title 54 of NRS; Chapters 119A, 240, 289, 361, 379, 437, 449 and 450B of NRS; NRS 391.060) Under existing law, some licenses specifically require an applicant to be a citizen of the United States or otherwise authorized to work in the United States. (Chapters 622, 623A, 625, 631, 635, 636, 637, 641, 641A, 641B, 641C, 644A, 649, 656 of NRS; NRS 391.060, 437.205, 437.215, 437.220, 630.160, 630.1606, 630.1607, 630.2751, 630.2752, 630A.230, 632.161, 632.162, 632.281, 632.282, 633.311, 633.4335, 633.4336, 634.080, 637B.203,

637B.204, 638.100, 638.116, 638.122, 639.136, 639.1365, 639.2315, 639.2316, 640.145, 640.146, 640A.165, 640A.166, 648.1493) **Sections 4-12, 19-31, 34-65, 67-73, 75-99, 101-110, 112, 115, 123 and 126-128** of this bill remove this requirement.

Under existing federal immigration law, an unlawful alien may request various forms of relief from removal from the United States. (Immigration and Nationality Act, 8 U.S.C. §§ 1101 et seq.) The Secretary of Homeland Security may exercise prosecutorial discretion in granting certain forms of relief, such as deferred action for removal. (6 U.S.C. § 202(5); *Regents of the Univ. of Cal. v. Dep't. of Homeland Sec.*, 908 F.3d 476, 486-490 (9th Cir. 2018)) Existing federal laws and programs allow certain unlawful aliens to receive work authorization through a policy or program of deferred action for removal. (*Regents of the Univ. of Cal. v. Dep't. of Homeland Sec.*, 908 F.3d 476, 490 (9th Cir. 2018))

Existing federal law requires a regulatory body that issues a professional or occupational license to collect the social security number of an applicant. (42 U.S.C. § 666(a)(13)) Existing federal law also allows a state to grant a professional or occupational license to an alien who is not lawfully present in the United States through enactment of state law. (8 U.S.C. § 1621(d))

Sections 2, 3, 113, ~~[114,]~~ 116, 117, 120-122, 125, 129, 132 and 138 of this bill prohibit a regulatory body from denying an application for a license, certificate or permit based solely on the applicant's immigration or citizenship status and authorize an applicant to provide his or her individual taxpayer identification number on his or her application if the applicant does not have a social security number, which must only be used for certain purposes. **Section 114 of this bill prohibits the Secretary of State from collecting the social security number or alternative personally identifying number of a notary public or an applicant for appointment as a notary public.**

Sections 13-18, 32, 33, 66, 74, 100, 111, 124, 130, 131 and 133-137 of this bill make conforming changes.

WHEREAS, Federal law, in 8 U.S.C. § 1621, authorizes states to allow an alien who is not lawfully present in the United States to be eligible to receive certain state and local benefits, including, without limitation, a professional license, if the State affirmatively provides for such eligibility in statute; and

WHEREAS, Federal law, in 8 U.S.C. § 1324a, generally prohibits the employment of an unauthorized alien; and

WHEREAS, The provisions of this act are not intended to and do not conflict with any federal law relating to immigration; now, therefore,

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

Section 1. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

2. It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

Sec. 3. ***1. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.***

2. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645E.210, 645G.110, 645H.550, 648.085, 649.233, 652.075, 654.145, 655.075 and 656.155, an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

3. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 4. NRS 622.530 is hereby amended to read as follows:

622.530 1. Except as otherwise provided by specific statute relating to the issuance of a license by endorsement, a regulatory body shall adopt regulations providing for the issuance of a license by endorsement to engage in an occupation or profession in this State to any natural person who:

(a) Holds a corresponding valid and unrestricted license to engage in that occupation or profession in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation or profession in this State; and

(c) Satisfies the requirements of this section and the regulations adopted pursuant thereto.

2. The regulations adopted pursuant to subsection 1 must not allow the issuance of a license by endorsement to engage in an occupation or profession in this State to a natural person unless such a person:

(a) [~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(b)~~] Has not been disciplined by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in an occupation or profession;

[~~(c)~~] ***(b)*** Has not been held civilly or criminally liable in the District of Columbia or any state or territory of the United States for misconduct relating to his or her occupation or profession;

[~~(d)~~] ***(c)*** Has not had a license to engage in an occupation or profession suspended or revoked in the District of Columbia or any state or territory of the United States;

[~~(e)~~] ***(d)*** Has not been refused a license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States for any reason;

[~~(f)~~] ***(e)*** Does not have pending any disciplinary action concerning his or her license to engage in an occupation or profession in the District of Columbia or any state or territory of the United States;

[~~(g)~~] ***(f)*** Pays any applicable fees for the issuance of a license that are otherwise required for a natural person to obtain a license in this State;

[~~(h)~~] ***(g)*** Submits to the regulatory body a complete set of his or her fingerprints and written permission authorizing the regulatory body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check; and

[~~(i)~~] ***(h)*** Submits to the regulatory body the statement required by NRS 425.520.

3. A regulatory body may, by regulation, require an applicant for issuance of a license by endorsement to engage in an occupation or profession in this State to submit with his or her application:

(a) Proof satisfactory to the regulatory body that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or nationally certified examination or other examination approved by the regulatory body;

(2) Has completed the requirements of an appropriate vocational, academic or professional program of study in the occupation or profession for which the applicant is seeking a license by endorsement in this State;

(3) Has engaged in the occupation or profession for which the applicant is seeking a license by endorsement in this State pursuant to the applicant's

existing licensure for the period determined by the regulatory body preceding the date of the application; and

(4) Possesses a sufficient degree of competency in the occupation or profession for which he or she is seeking licensure by endorsement in this State;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(c) Any other information required by the regulatory body.

4. Not later than 21 business days after receiving an application for a license by endorsement to engage in an occupation or profession pursuant to this section, the regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. Unless the regulatory body denies the application for good cause, the regulatory body shall approve the application and issue a license by endorsement to engage in the occupation or profession to the applicant not later than:

(a) Sixty days after receiving the application;

(b) If the regulatory body requires an applicant to submit fingerprints and authorize the preparation of a report on the applicant's background based on the submission of the applicant's fingerprints, 15 days after the regulatory body receives the report; or

(c) If the regulatory body requires the filing and maintenance of a bond as a requirement for the issuance of a license, 15 days after the filing of the bond with the regulatory body,

➥ whichever occurs later.

5. A license by endorsement to engage in an occupation or profession in this State issued pursuant to this section may be issued at a meeting of the regulatory body or between its meetings by the presiding member of the regulatory body and the executive head of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.

6. A regulatory body may deny an application for licensure by endorsement if:

(a) An applicant willfully fails to comply with the provisions of paragraph ~~[(h)]~~ ***(g)*** of subsection 2; or

(b) The report from the Federal Bureau of Investigation indicates that the applicant has been convicted of a crime that would be grounds for taking disciplinary action against the applicant as a licensee and the regulatory body has not previously taken disciplinary action against the licensee based on that conviction.

7. The provisions of this section are intended to supplement other provisions of statute governing licensure by endorsement. If any provision of statute conflicts with this section, the other provision of statute prevails over this section to the extent that the other provisions provide more specific requirements relating to licensure by endorsement.

Sec. 5. NRS 623A.170 is hereby amended to read as follows:

623A.170 1. Any person who:

(a) Is at least 21 years of age;

(b) Is of good moral character; ***and***

(c) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(d)]~~ Has satisfied the requirements for education and experience in landscape architecture, in any combination deemed suitable by the Board,

➥ may submit an application for a certificate of registration to the Board upon a form and in a manner prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board pursuant to the provisions of NRS 623A.240 and all information required to complete the application.

2. Each year of study, not exceeding 5 years of study, satisfactorily completed in a program of landscape architecture accredited by the Landscape Architectural Accrediting Board or a similar national board approved by the Board, or a program of landscape architecture in this State approved by the Board, is considered equivalent to 1 year of experience in landscape architectural work for the purpose of registration as a landscape architect.

3. The Board shall, by regulation, establish standards for examinations which may be consistent with standards employed by other states. The Board may adopt the standards of a national association of registered boards approved by the Board, and the examination and grading procedure of that organization, as they exist on the date of adoption. Examinations may include tests in such technical, professional and ethical subjects as are prescribed by the Board.

4. If the Board administers or causes to be administered an examination during:

(a) June of any year, an application to take that examination must be postmarked not later than March 1 of that year; or

(b) December of any year, an application to take that examination must be postmarked not later than September 1 of that year.

Sec. 6. NRS 623A.182 is hereby amended to read as follows:

623A.182 1. Any person who:

(a) Is at least 21 years of age;

(b) Is of good moral character; ***and***

(c) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(d)]~~ Has graduated from a school approved by the Board or has completed at least 4 years of work experience in the practice of landscape architecture in accordance with regulations adopted by the Board,

➥ may submit an application to the Board for a certificate to practice as a landscape architect intern.

2. The application must be submitted on a form furnished by the Board and include:

(a) The applicable fees prescribed by the Board pursuant to the provisions of NRS 623A.240; and

(b) All information required to complete the application.

Sec. 7. NRS 625.183 is hereby amended to read as follows:

625.183 1. A person who ~~[:~~

~~(a) Is]~~ ***is*** 21 years of age or older ~~[; and~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States,~~

~~➥]~~ may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.

2. An applicant for licensure as a professional engineer must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of engineering or receive a waiver of that requirement; and

(2) Principles and practices of engineering,

➥ pursuant to NRS 625.193.

3. Except as otherwise provided in NRS 625.203, an applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in engineering which is satisfactory to the Board and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant who is eligible to take the examination on the principles and practices of engineering pursuant to subsection 2 of NRS 625.193 may take the examination on the principles and practices of engineering before the applicant meets the active experience requirements for licensure set forth in this subsection.

4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:

(a) Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 8. NRS 625.270 is hereby amended to read as follows:

625.270 1. A person who [~~:~~

~~(a) Is~~] ***is*** 21 years of age or older [~~; and~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States,~~

➥] may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional land surveyor.

2. An applicant for licensure as a professional land surveyor must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of land surveying or receive a waiver of that requirement; and

(2) Principles and practices of land surveying,

➥ pursuant to NRS 625.280.

3. Except as otherwise provided in NRS 625.285, an applicant for licensure as a professional land surveyor may not take the examination on the principles and practices of land surveying, unless the applicant is a graduate of a land-surveying curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in land surveying that is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land-surveying work.

4. To determine whether an applicant for licensure as a professional land surveyor has an adequate record of active experience pursuant to subsection 3:

(a) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional land surveyor, unless that requirement is waived by the Board.

(b) The execution, as a contractor, of work designed by a professional land surveyor, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in land surveying.

5. A person who is not working in the field of land surveying when applying for licensure is eligible for licensure as a professional land surveyor if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 9. NRS 625.390 is hereby amended to read as follows:

625.390 1. An applicant for licensure as a professional engineer or professional land surveyor or for certification as an engineer intern or land surveyor intern must:

(a) Complete a form furnished and prescribed by the Board;

(b) Answer all questions on the form under oath;

(c) Provide a detailed summary of his or her technical training and education;

(d) Pay the fee established by the Board; and

(e) Submit all information required to complete an application for licensure or certification.

2. Unless the requirement is waived by the Board, an applicant for licensure must provide the names of not less than four references who have knowledge of the background, character and technical competence of the applicant. None of the persons named as references may be members of the Board. If the applicant is:

(a) Applying for licensure as a professional engineer, the persons named as references must be professional engineers licensed in this State or any other state, three of whom must be licensed in the same discipline of engineering for which the applicant is applying for licensure.

(b) Applying for licensure as a professional land surveyor, the persons named as references must be professional land surveyors licensed in this State or any other state.

3. The Board shall, by regulation, establish the fee for licensure as a professional engineer and professional land surveyor in an amount not to exceed $200. The fee is nonrefundable and must accompany the application.

4. The Board shall charge and collect from each applicant for certification as an engineer intern or land surveyor intern a fee fixed by the Board of not more than $100, which includes the cost of examination and the issuance of a certificate.

5. A nonresident applying for licensure as a professional engineer or professional land surveyor is subject to the same fees as a resident.

6. ~~[An applicant must furnish proof that he or she is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~7.]~~ The Board shall require the biennial renewal of each license of a professional engineer or professional land surveyor and collect a fee for renewal of not more than $100, prescribed by regulation of the Board, except that the Board may prescribe shorter periods and prorated fees in setting up a system of staggered renewals.

~~[8.]~~ ***7.*** An applicant for the renewal of a license must submit with the fee for renewal all information required to complete the renewal.

~~[9.]~~ ***8.*** In addition to the fee for renewal, the Board shall require a holder of an expired license to pay, as a condition of renewal, a penalty in an amount established by regulation of the Board.

Sec. 10. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.1606, 630.1607, 630.161 and 630.258 to 630.2665, inclusive, a license may be issued to any person who:

(a) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(b)]~~ Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

~~[(c)]~~ ***(b)*** Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

~~[(d)]~~ ***(c)*** Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family medicine and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor organizations; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or, as applicable, their successor organizations, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

~~[(c)]~~ ***(d)*** Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph ~~[(b).]~~ ***(a).***

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

(7) Imposing an administrative fine not to exceed $5,000;

(8) Requiring the licensee to perform community service without compensation;

(9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;

(10) Requiring the licensee to complete any training or educational requirements specified by the Board; and

(11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 11. NRS 630.1606 is hereby amended to read as follows:

630.1606 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice medicine; and

~~[(4)]~~ *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 12. NRS 630.1607 is hereby amended to read as follows:

630.1607 1. Except as otherwise provided in NRS 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) **[**~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~**]** Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

[~~(4)~~**]** ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after receiving a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive

Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice medicine in accordance with regulations adopted by the Board.

Sec. 13. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant completed training; and

2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph [~~(d)~~] ***(c)*** of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 14. NRS 630.259 is hereby amended to read as follows:

630.259 1. A person may apply to the Board to be licensed as an administrative physician if the person meets all of the statutory requirements for licensure in effect at the time of application except the requirements of paragraph [~~(d)~~] ***(c)*** of subsection 2 of NRS 630.160.

2. A person who is licensed as an administrative physician pursuant to this section:

(a) May not engage in the practice of clinical medicine;

(b) Shall comply with all of the statutory requirements for continued licensure pursuant to this chapter; and

(c) Shall be deemed to hold a license to practice medicine in an administrative capacity only.

Sec. 15. NRS 630.2615 is hereby amended to read as follows:

630.2615 1. Except as otherwise provided in NRS 630.161, the Board may issue an authorized facility license to a person who intends to practice medicine in this State as a physician in an institution of the Department of Corrections under the direct supervision of a physician who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

2. A person who applies for an authorized facility license pursuant to this section is not required to take or pass a written examination as to his or her qualifications to practice medicine pursuant to paragraph [~~(c)~~] ***(b)*** of subsection 2 of NRS 630.160, but the person must meet all other conditions and requirements for an unrestricted license to practice medicine pursuant to this chapter.

3. If the Board issues an authorized facility license pursuant to this section, the person who holds the license may practice medicine in this State only as a physician in an institution of the Department of Corrections and only under the direct supervision of a physician who holds an unrestricted license to practice

medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

4. If a person who holds an authorized facility license issued pursuant to this section ceases to practice medicine in this State as a physician in an institution of the Department of Corrections:

(a) The Department shall notify the Board; and

(b) Upon receipt of the notification, the authorized facility license expires automatically.

5. The Board may renew or modify an authorized facility license issued pursuant to this section, unless the license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a license to an applicant in accordance with any other provision of this chapter.

Sec. 16. NRS 630.262 is hereby amended to read as follows:

630.262 1. Except as otherwise provided in NRS 630.161, the Board may issue an authorized facility license to a person who intends to practice medicine in this State as a psychiatrist in a mental health center of the Division under the direct supervision of a psychiatrist who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

2. A person who applies for an authorized facility license pursuant to this section is not required to take or pass a written examination as to his or her qualifications to practice medicine pursuant to paragraph ~~[(e)]~~ ***(b)*** of subsection 2 of NRS 630.160, but the person must meet all other conditions and requirements for an unrestricted license to practice medicine pursuant to this chapter.

3. If the Board issues an authorized facility license pursuant to this section, the person who holds the license may practice medicine in this State only as a psychiatrist in a mental health center of the Division and only under the direct supervision of a psychiatrist who holds an unrestricted license to practice medicine pursuant to this chapter or to practice osteopathic medicine pursuant to chapter 633 of NRS.

4. If a person who holds an authorized facility license issued pursuant to this section ceases to practice medicine in this State as a psychiatrist in a mental health center of the Division:

(a) The Division shall notify the Board; and

(b) Upon receipt of the notification, the authorized facility license expires automatically.

5. The Board may renew or modify an authorized facility license issued pursuant to this section, unless the license has expired automatically or has been revoked.

6. The provisions of this section do not limit the authority of the Board to issue a license to an applicant in accordance with any other provision of this chapter.

7. As used in this section:

(a) “Division” means the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) “Mental health center” has the meaning ascribed to it in NRS 433.144.

Sec. 17. NRS 630.263 is hereby amended to read as follows:

630.263 1. If the Governor determines that there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty within this State, the Governor may declare that a state of critical medical need exists for that medical specialty. The Governor may, but is not required to, limit such a declaration to one or more geographic areas within this State.

2. In determining whether there are critically unmet needs with regard to the number of physicians who are practicing a medical specialty, the Governor may consider, without limitation:

(a) Any statistical data analyzing the number of physicians who are practicing the medical specialty in relation to the total population of this State or any geographic area within this State;

(b) The demand within this State or any geographic area within this State for the types of services provided by the medical specialty; and

(c) Any other factors relating to the medical specialty that may adversely affect the delivery of health care within this State or any geographic area within this State.

3. If the Governor makes a declaration pursuant to this section, the Board may waive the requirements of paragraph [(d)] *(c)* of subsection 2 of NRS 630.160 for an applicant if the applicant:

(a) Intends to practice medicine in one or more of the medical specialties designated by the Governor in the declaration and, if the Governor has limited the declaration to one or more geographic areas within this State, in one or more of those geographic areas;

(b) Has completed at least 1 year of training as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or their successor organizations, respectively;

(c) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(d) Meets all other conditions and requirements for a license to practice medicine.

4. Any license issued pursuant to this section is a restricted license, and the person who holds the restricted license may practice medicine in this State only in the medical specialties and geographic areas for which the restricted license is issued.

5. Any person who holds a restricted license issued pursuant to this section and who completes 3 years of full-time practice under the restricted license

may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph ~~[(d)]~~ ***(c)*** of subsection 2 of NRS 630.160.

Sec. 18. NRS 630.264 is hereby amended to read as follows:

630.264 1. A board of county commissioners may petition the Board of Medical Examiners to waive the requirements of paragraph ~~[(d)]~~ ***(c)*** of subsection 2 of NRS 630.160 for any applicant intending to practice medicine in a medically underserved area of that county as that term is defined by regulation by the Board of Medical Examiners. The Board of Medical Examiners may waive that requirement and issue a license if the applicant:

(a) Has completed at least 1 year of training as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, the Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or their successor organizations, respectively;

(b) Has a minimum of 5 years of practical medical experience as a licensed allopathic physician or such other equivalent training as the Board deems appropriate; and

(c) Meets all other conditions and requirements for a license to practice medicine.

2. Any person licensed pursuant to subsection 1 must be issued a license to practice medicine in this State restricted to practice in the medically underserved area of the county which petitioned for the waiver only. A person may apply to the Board of Medical Examiners for renewal of that restricted license every 2 years after being licensed.

3. Any person holding a restricted license pursuant to subsection 1 who completes 3 years of full-time practice under the restricted license may apply to the Board for an unrestricted license. In considering an application for an unrestricted license pursuant to this subsection, the Board shall require the applicant to meet all statutory requirements for licensure in effect at the time of application except the requirements of paragraph ~~[(d)]~~ ***(c)*** of subsection 2 of NRS 630.160.

Sec. 19. NRS 630.265 is hereby amended to read as follows:

630.265 1. Unless the Board denies such licensure pursuant to NRS 630.161 or for other good cause, the Board shall issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a

written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been appointed to a position in the program *.* ~~[and is a citizen of the United States or lawfully entitled to remain and work in the United States.]~~ A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 20. NRS 630.2751 is hereby amended to read as follows:

630.2751 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 21. NRS 630.2752 is hereby amended to read as follows:

630.2752 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;

(b) Is certified in a specialty recognized by the American Board of Medical Specialties; and

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) **[**~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~**]** Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

[~~(4)~~**]** ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this

section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 22. NRS 630A.230 is hereby amended to read as follows:

630A.230 1. Every person desiring to practice homeopathic medicine as a homeopathic physician must, before beginning to practice, procure from the Board a license authorizing such practice.

2. Except as otherwise provided in NRS 630A.225, a license may be issued to any person who:

(a) [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(b)~~] Is of good moral character;

[~~(c)~~] ***(b)*** Has received the degree of doctor of medicine or doctor of osteopathic medicine, or its equivalent as provided in paragraph (a) of subsection 1 of NRS 630A.240;

[~~(d)~~] ***(c)*** Is licensed in good standing to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States;

[~~(e)~~] ***(d)*** Has completed a program of not less than 3 years of postgraduate training in allopathic or osteopathic medicine approved by the Board;

[~~(f)~~] ***(e)*** Has passed all oral or written examinations required by the Board or this chapter; and

[~~(g)~~] ***(f)*** Meets any additional requirements established by the Board, including, without limitation, requirements established by regulations adopted by the Board.

Sec. 23. NRS 630A.270 is hereby amended to read as follows:

630A.270 1. An applicant for a license to practice homeopathic medicine who is a graduate of a foreign medical school shall submit to the Board through its Secretary-Treasurer proof that the applicant:

(a) **[**~~Is a citizen of the United States, or that he or she is lawfully entitled to remain and work in the United States;~~

~~(b)~~**]** Has received the degree of doctor of medicine or its equivalent, as determined by the Board, from a foreign medical school recognized by the Educational Commission for Foreign Medical Graduates;

[~~(c)~~**]** ***(b)*** Has completed 3 years of postgraduate training satisfactory to the Board;

[~~(d)~~**]** ***(c)*** Has completed an additional 6 months of postgraduate training in homeopathic medicine;

[~~(e)~~**]** ***(d)*** Has received the standard certificate of the Educational Commission for Foreign Medical Graduates; and

[~~(f)~~**]** ***(e)*** Has passed all parts of the Federation Licensing Examination, or has received a written statement from the Educational Commission for Foreign Medical Graduates that the applicant has passed the examination given by the Commission.

2. In addition to the proofs required by subsection 1, the Board may take such further evidence and require such further proof of the professional and moral qualifications of the applicant as in its discretion may be deemed proper.

3. If the applicant is a diplomate of an approved specialty board recognized by this Board, the requirements of paragraphs **[**~~(c)~~**]** ***(b)*** and **[**~~(d)~~**]** ***(c)*** of subsection 1 may be waived by the Board.

4. Before issuance of a license to practice homeopathic medicine, the applicant who presents the proof required by subsection 1 shall appear personally before the Board and satisfactorily pass a written or oral examination, or both, as to his or her qualifications to practice homeopathic medicine.

Sec. 24. NRS 630A.320 is hereby amended to read as follows:

630A.320 1. Except as otherwise provided in NRS 630A.225, the Board may issue to a qualified applicant a limited license to practice homeopathic medicine as a resident homeopathic physician in a postgraduate program of clinical training if:

(a) The applicant is a graduate of an accredited medical school in the United States or Canada or is a graduate of a foreign medical school recognized by the Educational Commission for Foreign Medical Graduates and **[**~~:~~

~~(1) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(2) Has~~**]** ***has*** completed 1 year of supervised clinical training approved by the Board.

(b) The Board approves the program of clinical training, and the medical school or other institution sponsoring the program provides the Board with

written confirmation that the applicant has been appointed to a position in the program.

2. In addition to the requirements of subsection 1, an applicant who is a graduate of a foreign medical school must have received the standard certificate of the Educational Commission for Foreign Medical Graduates.

3. The Board may issue this limited license for not more than 1 year, but may renew the license.

4. The holder of this limited license may practice homeopathic medicine only in connection with his or her duties as a resident physician and shall not engage in the private practice of homeopathic medicine.

5. A limited license granted under this section may be revoked by the Board at any time for any of the grounds set forth in NRS 630A.225 or 630A.340 to 630A.380, inclusive.

Sec. 24.5. NRS 631.230 is hereby amended to read as follows:

631.230 1. Any person is eligible to apply for a license to practice dentistry in the State of Nevada who:

(a) Is over the age of 21 years;

(b) [~~Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~(c)~~] Is a graduate of an accredited dental school or college; and

[~~(d)~~] ***(c)*** Is of good moral character.

2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dentistry in another state has been suspended or revoked or whether the person is currently involved in any disciplinary action concerning his or her license in that state.

Sec. 25. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to practice dentistry or dental hygiene to a person who:

(a) Is qualified for a license to practice dentistry or dental hygiene in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry or dental hygiene of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program **.** ~~[and is a citizen of the United States or is lawfully entitled to remain and work in the United States.]~~ If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program ~~[, is lawfully entitled to remain and work in the United States]~~ and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry or dental hygiene if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry or dental hygiene,

➥ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry or dental hygiene in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene for services provided as a dental intern, dental resident or instructor of dentistry or dental hygiene pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry or dental hygiene in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 26. NRS 631.290 is hereby amended to read as follows:

631.290 1. Any person is eligible to apply for a license to practice dental hygiene in this State who:

(a) Is of good moral character;

(b) Is over 18 years of age; ***and***

(c) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(d)]~~ Is a graduate of a program of dental hygiene from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental hygiene must:

(1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and

(2) Include a curriculum of not less than 2 years of academic instruction in dental hygiene or its academic equivalent.

2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dental hygiene in another

state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.

Sec. 27. NRS 632.161 is hereby amended to read as follows:

632.161 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) **[**~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~**]** Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a professional nurse; and

[~~(4)~~**]** ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a professional nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 28. NRS 632.162 is hereby amended to read as follows:

632.162 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an

applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a professional nurse; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a professional nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a professional nurse in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 29. NRS 632.281 is hereby amended to read as follows:

632.281 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) **[**~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~**]** Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a practical nurse; and

[~~(4)~~**]** *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a practical nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a practical nurse to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a practical nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 30. NRS 632.282 is hereby amended to read as follows:

632.282 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a practical nurse; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a practical nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a practical nurse to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a practical nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a practical nurse in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 31. NRS 633.311 is hereby amended to read as follows:

633.311 1. Except as otherwise provided in NRS 633.315 and 633.381 to 633.419, inclusive, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

(a) The applicant is 21 years of age or older;

(b) **[**~~The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~**]** The applicant is a graduate of a school of osteopathic medicine;

[~~(d)~~**]** ***(c)*** The applicant:

(1) Has graduated from a school of osteopathic medicine before 1995 and has completed:

(I) A hospital internship; or

(II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

(2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

(3) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

[~~(e)~~**]** ***(d)*** The applicant applies for the license as provided by law;

[~~(f)~~**]** ***(e)*** The applicant passes:

(1) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

(2) All parts of the licensing examination of the Federation of State Medical Boards;

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(4) A combination of the parts of the licensing examinations specified in subparagraphs (1), (2) and (3) that is approved by the Board;

[~~(g)~~**]** ***(f)*** The applicant pays the fees provided for in this chapter; and

[~~(h)~~**]** ***(g)*** The applicant submits all information required to complete an application for a license.

2. An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph **[**~~(d)~~**]** ***(c)*** of subsection 1:

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph **[**~~(d)~~**]** ***(c)*** of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;
(c) In nonconsecutive months; and
(d) At any time before receiving his or her license.

Sec. 32. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in subparagraph (3) of paragraph ~~[(d)]~~ *(c)* of subsection 1 of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 33. NRS 633.401 is hereby amended to read as follows:

633.401 1. Unless the Board denies such licensure pursuant to NRS 633.315 or for other good cause, the Board shall issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of subparagraph (3) of paragraph ~~[(d)]~~ *(c)* of subsection 1 of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 34. NRS 633.4335 is hereby amended to read as follows:

633.4335 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States; and

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) **[**~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~**]** Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice as a physician assistant; and

[~~(4)~~**]** ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 35. NRS 633.4336 is hereby amended to read as follows:

633.4336 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association; and

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

~~[(4)]~~ *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 36. NRS 634.080 is hereby amended to read as follows:

634.080 1. An applicant for examination must file an application not less than 60 days before the date of the examination.

2. An application must be filed with the Secretary of the Board on a form to be furnished by the Secretary.

3. An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant’s residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

(e) ~~[Whether the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~(f)]~~ Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate from the chiropractic board of each state in which the applicant was licensed, certifying that the applicant is a member in good standing of the chiropractic profession in that state, and that no proceedings affecting the applicant’s standing as a chiropractor are undisposed of and pending.

~~[(g)]~~ ***(f)*** The applicant’s general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

~~[(h)]~~ ***(g)*** The names of:

(1) Two persons who have known the applicant for at least 3 years; and

(2) A person who is a chiropractor licensed pursuant to the provisions of this chapter or a professor at a school of chiropractic.

~~[(i)]~~ ***(h)*** All other information required to complete the application.

4. An application must include a copy of the applicant’s official transcript from the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic directly to the Board.

Sec. 37. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. Except as otherwise provided in NRS 635.066 and 635.0665, a license to practice podiatry may be issued by the Board to any person who:

(a) Is of good moral character.

(b) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(c)]~~ Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

~~[(d)]~~ ***(c)*** Has completed a residency approved by the Board.

~~[(e)]~~ ***(d)*** Has passed the examination given by the National Board of Podiatric Medical Examiners.

~~[(f)]~~ ***(e)*** Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a license, including a license by endorsement, of not more than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a license.

➥ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

(a) A limited license to practice podiatry pursuant to NRS 635.075; or

(b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 38. NRS 635.066 is hereby amended to read as follows:

635.066 1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~] Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to practice podiatry; and

[~~(4)~~] *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 39. NRS 635.0665 is hereby amended to read as follows:

635.0665 1. Except as otherwise provided in NRS 635.073, the Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) [~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~] Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice podiatry; and

[~~(4)~~] *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 635.067;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice podiatry in accordance with regulations adopted by the Board.

6. If an applicant submits an application for a license by endorsement pursuant to this section and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee established pursuant to NRS 635.050 for the initial issuance of the license. As used in this subsection, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 40. NRS 635.075 is hereby amended to read as follows:

635.075 1. The Board shall issue a limited license to practice podiatry pursuant to this section to each applicant who complies with the provisions of this section.

2. An applicant for a limited license to practice podiatry must submit to the Board:

(a) An application on a form provided by the Board;

(b) A fee in the amount of the fee for an application for a license required pursuant to paragraph (a) of subsection 3 of NRS 635.050; and

(c) Satisfactory proof that the applicant:

(1) Is of good moral character;

(2) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(3)]~~ For not less than 25 years:

(I) Was licensed to practice podiatry in one or more states or the District of Columbia and practiced podiatry during the period each such license was in effect; and

(II) Remained licensed in good standing at all times during the period he or she was licensed to practice podiatry; and

~~[(4)]~~ ***(3)*** Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this subparagraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a limited license is not required to be licensed to practice podiatry in another state or the District of Columbia when he or she submits the application for a limited license to the Board.

4. A person who is issued a limited license pursuant to this section may practice podiatry only under the direct supervision of a podiatric physician who is licensed pursuant to this chapter and who does not hold a limited license issued pursuant to this section.

5. A limited license issued pursuant to this section:

(a) Is effective upon issuance; and

(b) May be renewed in the manner prescribed in NRS 635.110.

6. The Board may:

(a) Place such restrictions and conditions upon a limited license issued pursuant to this section as the Board deems appropriate; and

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

Sec. 41. NRS 635.082 is hereby amended to read as follows:

635.082 1. A graduate of an accredited school of podiatry may, during his or her residency, be granted a provisional license to practice podiatry under the direct supervision of a podiatric physician licensed to practice in this State. A provisional license must not be effective for more than 1 year and is not renewable.

2. A provisional license to practice podiatry may be issued by the Board to any person who:

(a) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(b)]~~ Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.

~~[(c)]~~ ***(b)*** Has passed the examination given by the National Board of Podiatric Medical Examiners.

3. An applicant for a provisional license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

(a) The fee for an application for a provisional license of not more than $600;

(b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and

(c) All other information required by the Board to complete an application for a provisional license.

4. The fee required pursuant to subsection 3 must be established by regulation of the Board.

5. The Board may by regulation govern the issuance and conditions of the provisional license.

Sec. 42. NRS 635.093 is hereby amended to read as follows:

635.093 Any person wishing to be licensed as a podiatry hygienist in this State must:

1. Furnish the Board with satisfactory proof that the person:

(a) Is of good moral character.

(b) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(c)]~~ Has satisfactorily completed a course for podiatry hygienists approved by the Board or has had 6 months or more of training in a podiatric physician's office as approved by the Board.

2. Submit all information required to complete an application for a license.

3. Pay to the Board a fee, not exceeding $100, which must be established by regulation of the Board.

Sec. 43. NRS 636.155 is hereby amended to read as follows:

636.155 Except as otherwise provided in NRS 636.206 and 636.207, an applicant must file with the Executive Director satisfactory proof that the applicant:

1. Is at least 21 years of age;

2. ~~[Is a citizen of the United States or is lawfully entitled to reside and work in this country;~~

~~3.]~~ Is of good moral character;

~~[4.]~~ ***3.*** Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and

~~[5.]~~ ***4.*** Has graduated from a school of optometry accredited by the established professional agency and the Board, maintaining a standard of 6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.

Sec. 44. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~] Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

[~~(4)~~] *(3)* Has been continuously and actively engaged in the practice of optometry for the past 5 years;

[~~(5)~~] *(4)* Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

[~~(6)~~] *(5)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 45. NRS 636.207 is hereby amended to read as follows:

636.207 1. The Board may issue a license by endorsement to practice optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice optometry in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) [~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~] Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice optometry; and

[~~(4)~~] *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice optometry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice optometry may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice optometry in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 46. NRS 637.100 is hereby amended to read as follows:

637.100 1. To qualify for examination and licensing as a dispensing optician, an applicant must furnish proof that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character.

(c) ~~[Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~

~~(d)]~~ Is a graduate of an accredited high school or its equivalent.

~~[(e)]~~ *(d)* Has passed the examination of the American Board of Opticianry.

~~[(f)]~~ *(e)* Has done either of the following:

(1) Served as an apprentice dispensing optician for not less than 3 years in an optical establishment where prescriptions for spectacles or contact lenses from given formulae are fitted and filled under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for the purpose of acquiring experience in ophthalmic dispensing and has passed an educational program on the theory of ophthalmic dispensing approved by the Board; or

(2) Successfully completed a course of study in a school which offers a degree of associate in applied science for studies in ophthalmic dispensing approved by the Board and has had 1 year of ophthalmic experience as an apprentice dispensing optician under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist.

~~[(g)]~~ *(f)* Has done all of the following:

(1) Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;

(2) Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;

(3) Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and

(4) Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.

2. The Board shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations that establish requirements for:

(a) The program of apprenticeship for apprentice dispensing opticians;

(b) The training and experience of apprentice dispensing opticians; and

(c) The issuance of licenses to apprentice dispensing opticians.

Sec. 47. NRS 637.127 is hereby amended to read as follows:

637.127 1. The Board shall issue a special license as a dispensing optician to an applicant who:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(d)]~~ Is a graduate of an accredited high school or its equivalent;

~~[(e)]~~ ***(d)*** Has passed the National Opticianry Competency Examination of the American Board of Opticianry;

~~[(f)]~~ ***(e)*** Is currently certified by the American Board of Opticianry;

~~[(g)]~~ ***(f)*** Has passed the Contact Lens Registry Examination of the National Contact Lens Examiners;

~~[(h)]~~ ***(g)*** Is currently certified by the National Contact Lens Examiners;

~~[(i)]~~ ***(h)*** Has passed an examination, if one exists, which is based solely on the provisions of this chapter and any regulations adopted pursuant thereto and is administered by the Board; and

~~[(j)]~~ ***(i)*** Has either:

(1) An active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or

(2) Not less than 5 years of experience as a dispensing optician.

2. A person practicing ophthalmic dispensing pursuant to a special license as provided in this section is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal, inactivity or reactivation of a license.

Sec. 48. NRS 637B.203 is hereby amended to read as follows:

637B.203 1. The Board may issue a license by endorsement to engage in the practice of audiology or speech-language pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech-language pathology, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) **[**~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~**]** Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of audiology or speech-language pathology, as applicable; and

[~~(4)~~**]** ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech-language pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech-language pathology, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of audiology or speech-language pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 49. NRS 637B.204 is hereby amended to read as follows:

637B.204 1. The Board may issue a license by endorsement to engage in the practice of audiology or speech-language pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech-language pathology, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) [~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~] Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to engage in the practice of audiology or speech-language pathology, as applicable; and

[~~(4)~~] ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech-language pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech-language pathology, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to engage in the practice of audiology or speech-language pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in the practice of audiology or speech-language pathology, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 50. NRS 638.100 is hereby amended to read as follows:

638.100 1. Any person who desires to secure a license to practice veterinary medicine, surgery, obstetrics or dentistry in the State of Nevada must make written application to the Executive Director of the Board.

2. The application must include all information required to complete the application and any other information required by the Board and must be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character;

(b) Except as otherwise provided in subsection 3, has received a diploma conferring the degree of doctor of veterinary medicine or its equivalent from a school of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association or, if the applicant is a graduate of a school of veterinary medicine that is not accredited by the Council on Education of the American Veterinary Medical Association, that the applicant has received an educational certificate issued by the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association or, if the Educational Commission for Foreign Veterinary Graduates of the American Veterinary Medical Association ceases to exist, by an organization approved by the Board that certifies that the holder of the certificate has demonstrated knowledge and skill of veterinary medicine that is equivalent to the knowledge and skill of veterinary medicine of a graduate of a college of veterinary medicine that is accredited by the Council on Education of the American Veterinary Medical Association; ***and***

(c) Has passed each examination required by the Board pursuant to NRS 638.110***.*** ~~[; and~~

~~(d) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.]~~

3. A veterinary student in his or her final year at a school accredited by the American Veterinary Medical Association may submit an application to the Board and take the state examination administered by the Board, but the Board may not issue a license until the student has complied with the requirements of subsection 2.

4. The application must be signed by the applicant, notarized and accompanied by a fee set by the Board, not to exceed $500.

5. The Board may refuse to issue a license if the Board determines that an applicant has committed an act which would be a ground for disciplinary action if the applicant were a licensee.

Sec. 51. NRS 638.116 is hereby amended to read as follows:

638.116 1. Any person who desires to secure a license as a euthanasia technician must make written application to the Executive Director of the Board.

2. The application must be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character.

(b) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(c)]~~ Is employed by a law enforcement agency, an animal control agency, or by a society for the prevention of cruelty to animals that is in compliance with the provisions of chapter 574 of NRS.

~~[(d)]~~ ***(c)*** Has not been convicted of a felony.

~~[(e)]~~ ***(d)*** Has furnished any other information required by the Board.

3. The application must be accompanied by:

(a) A fee to be set by the Board in an amount not to exceed $500; and

(b) All information required to complete the application.

Sec. 52. NRS 638.122 is hereby amended to read as follows:

638.122 1. Any person who desires to secure a license as a veterinary technician must make written application to the Executive Director of the Board.

2. The application must be accompanied by satisfactory proof that the applicant:

(a) Is of good moral character.

(b) Has received a diploma conferring the degree of veterinary technician or its equivalent after having completed a college level course at a school approved by the Board.

(c) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(d)]~~ Has furnished any other information required by the Board.

3. The application must be accompanied by:

(a) A fee to be set by the Board in an amount not to exceed $500; and

(b) All information required to complete the application.

Sec. 53. NRS 639.136 is hereby amended to read as follows:

639.136 1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a certificate as a registered pharmacist; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a registered pharmacist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the

application and issue a certificate by endorsement as a registered pharmacist to the applicant not later than 45 days after receiving the application.

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 54. NRS 639.1365 is hereby amended to read as follows:

639.1365 1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a registered pharmacist; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a registered pharmacist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a registered pharmacist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate as a registered pharmacist to an applicant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 55. NRS 639.2315 is hereby amended to read as follows:

639.2315 1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) [~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~] Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to conduct a pharmacy; and

[~~(4)~~] ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to conduct a pharmacy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to conduct a pharmacy to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to conduct a pharmacy may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 56. NRS 639.2316 is hereby amended to read as follows:

639.2316 1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to conduct a pharmacy; and

~~[(4)]~~ *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to conduct a pharmacy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to conduct a pharmacy to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to conduct a pharmacy may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license to conduct a pharmacy to an applicant in accordance with regulations adopted by the Board.

6. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.

Sec. 57. NRS 640.145 is hereby amended to read as follows:

640.145 1. The Board may issue a license by endorsement as a physical therapist or physical therapist assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a physical therapist or physical therapist assistant, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined and is not currently being investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a physical therapist or physical therapist assistant; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount of the fee set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by the Chair of the Board or his or her designee. Such an action shall be deemed to be an action of the Board.

Sec. 58. NRS 640.146 is hereby amended to read as follows:

640.146 1. The Board may issue a license by endorsement as a physical therapist or physical therapist assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a physical therapist or physical therapist assistant in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined and is not currently being investigated by the corresponding regulatory authority of the District of Columbia or the state

or territory in which the applicant holds a license as a physical therapist or physical therapist assistant; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by the Chair of the Board or his or her designee. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physical therapist or physical therapist assistant, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 59. NRS 640A.165 is hereby amended to read as follows:

640A.165 1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) [~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~] Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as an occupational therapist; and

[~~(4)~~] ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount of the fee set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 60. NRS 640A.166 is hereby amended to read as follows:

640A.166 1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) [~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~] Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an occupational therapist; and

[~~(4)~~] ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an occupational therapist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 61. NRS 640B.310 is hereby amended to read as follows:

640B.310 1. An applicant for a license as an athletic trainer must:

(a) Be of good moral character;

(b) ~~[Be a citizen of the United States or lawfully entitled to remain and work in the United States;~~

~~(c)]~~ Have at least a bachelor's degree in a program of study approved by the Board;

~~[(d)]~~ ***(c)*** Submit an application on a form provided by the Board;

~~[(e)]~~ ***(d)*** Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~[(f)]~~ ***(e)*** Pay the fees prescribed by the Board pursuant to NRS 640B.410, which are not refundable; and

~~[(g)]~~ ***(f)*** Except as otherwise provided in subsection 2 and NRS 640B.320, pass the examination prepared by the National Athletic Trainers Association Board of Certification or its successor organization.

2. An applicant who submits proof of current certification as an athletic trainer by the National Athletic Trainers Association Board of Certification, or its successor organization, is not required to pass the examination required by paragraph ~~[(g)]~~ ***(f)*** of subsection 1.

3. An applicant who fails the examination may not reapply for a license for at least 1 year after the date on which the applicant submitted the application to the Board.

Sec. 62. NRS 640C.426 is hereby amended to read as follows:

640C.426 1. The Board may issue a license by endorsement to practice massage therapy, reflexology or structural integration to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice massage therapy, reflexology or structural integration in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy, reflexology or structural integration; and

~~[(4)]~~ *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy, reflexology or structural integration pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy, reflexology or structural integration to the applicant not later than:

(a) Forty-five days after receiving all additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to practice massage therapy, reflexology or structural integration may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement, the Board may grant a provisional license authorizing an applicant to practice as a massage therapist, reflexologist or structural integration practitioner in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 63. NRS 641.170 is hereby amended to read as follows:

641.170 1. Except as otherwise provided in NRS 641.195 and 641.196, each application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) ~~[Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.~~

~~(d)]~~ Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

~~[(e)]~~ *(d)* Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. Except as otherwise provided in NRS 641.195 and 641.196, within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and

(b) Issue a written statement to the applicant of its determination.

3. The written statement issued to the applicant pursuant to subsection 2 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 64. NRS 641.195 is hereby amended to read as follows:

641.195 1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application

for such a license if the applicant holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a psychologist or behavior analyst, as applicable; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist or behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist or behavior analyst, as applicable, to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a psychologist or behavior analyst may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 65. NRS 641.196 is hereby amended to read as follows:

641.196 1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) **[**~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~**]** Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a psychologist or behavior analyst, as applicable; and

[~~(4)~~**]** ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.228 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist or behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist or behavior analyst, as applicable, to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a psychologist or behavior analyst may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a psychologist or behavior analyst, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 66. NRS 641.226 is hereby amended to read as follows:

641.226 1. A person who wishes to obtain any postdoctoral supervised experience that is required for licensure as a psychologist pursuant to paragraph [~~(c)~~] ***(d)*** of subsection 1 of NRS 641.170 must register with the Board as a psychological assistant.

2. A person who:

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to engage in a predoctoral internship pursuant to the requirements of the training program,

➥ may register with the Board as a psychological intern.

3. A person who:

(a) Is in a doctoral training program in psychology at an accredited educational institution approved by the Board or in doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training; and

(b) Wishes to perform professional activities or services under the supervision of a psychologist,

➥ may register with the Board as a psychological trainee.

4. A person desiring to register as a psychological assistant, psychological intern or psychological trainee must:

(a) Make application to the Board on a form, and in a manner, prescribed by the Board. The application must be accompanied by the application fee prescribed by the Board and include all information required to complete the application.

(b) As part of the application and at his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Board; and

(2) Submit to the Board:

(I) A complete set of fingerprints, a fee for the processing of fingerprints established by the Board and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background; or

(II) Written verification, on a form prescribed by the Board, stating that the set of fingerprints of the applicant was taken and directly forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History and that the applicant provided written permission authorizing the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of

Investigation for a report on the applicant's background, and to such other law enforcement agencies as the Board deems necessary for a report on the applicant's background.

5. The Board may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Board deems necessary; and

(b) Request from each agency to which the Board submits the fingerprints any information regarding the applicant's background as the Board deems necessary.

6. An application for initial registration as a psychological assistant, psychological intern or psychological trainee is not considered complete and received until the Board receives a complete set of fingerprints or verification that the fingerprints have been forwarded electronically or by other means to the Central Repository for Nevada Records of Criminal History, and written authorization from the applicant pursuant to this section.

7. A registration as a:

(a) Psychological assistant expires 1 year after the date of registration unless the registration is renewed pursuant to subsection 8. A registration as a psychological assistant may not be renewed if the renewal would cause the psychological assistant to be registered as a psychological assistant for more than 3 years unless otherwise approved by the Board.

(b) Psychological intern expires 2 years after the date of registration and may not be renewed unless otherwise approved by the Board.

(c) Psychological trainee expires 2 years after the date of registration unless the registration is renewed pursuant to subsection 8. A registration as a psychological trainee may not be renewed if the renewal would cause the psychological trainee to be registered as a psychological trainee for more than 5 years unless otherwise approved by the Board.

8. To renew a registration as a psychological assistant, psychological intern or psychological trainee, the registrant must, on or before the expiration of the registration:

(a) Apply to the Board for renewal;

(b) Pay the fee prescribed by the Board pursuant to NRS 641.228 for the renewal of a registration as a psychological assistant, psychological intern or psychological trainee; and

(c) Submit all information required to complete the renewal.

9. Any activity or service performed by a psychological assistant, psychological intern or psychological trainee must be performed under the supervision of a psychologist in accordance with regulations adopted by the Board.

Sec. 67. NRS 641A.220 is hereby amended to read as follows:

641A.220 Except as otherwise provided in NRS 641A.241 and 641A.242, each applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. ~~[Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~4.]~~ Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;

~~[5.]~~ ***4.*** Has:

(a) At least 2 years of postgraduate experience in marriage and family therapy; and

(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and

~~[6.]~~ ***5.*** Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 68. NRS 641A.231 is hereby amended to read as follows:

641A.231 Except as otherwise provided in NRS 641A.241 and 641A.242, each applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;

2. Is of good moral character;

3. ~~[Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~4.]~~ Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

~~[5.]~~ ***4.*** Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 69. NRS 641A.241 is hereby amended to read as follows:

641A.241 1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a marriage and family therapist or clinical professional counselor, as applicable; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 70. NRS 641A.242 is hereby amended to read as follows:

641A.242 1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) [~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~] Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

[~~(4)~~] ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a marriage and

family therapist or clinical professional counselor, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 71. NRS 641A.287 is hereby amended to read as follows:

641A.287 1. A person who wishes to obtain the supervised experience that is required for licensure as a marriage and family therapist pursuant to this chapter must obtain a license as a marriage and family therapist intern before beginning the supervised experience.

2. An applicant for a license as a marriage and family therapist intern must furnish evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) ~~[Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~(d)]~~ Possesses a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board; and

~~[(e)]~~ ***(d)*** Has entered into a supervision agreement with an approved supervisor.

Sec. 72. NRS 641A.2874 is hereby amended to read as follows:

641A.2874 The holder of a license as a marriage and family therapist intern:

1. May engage in the practice of marriage and family therapy only for the purposes of obtaining the supervised experience required by subsection ~~[5]~~ ***4*** of NRS 641A.220 for a license to practice as a marriage and family therapist; and

2. Shall not engage in the practice of marriage and family therapy independently.

Sec. 73. NRS 641A.288 is hereby amended to read as follows:

641A.288 1. A person who wishes to obtain the supervised experience that is required for licensure as a clinical professional counselor pursuant to this chapter must obtain a license as a clinical professional counselor intern before beginning the supervised experience.

2. An applicant for a license as a clinical professional counselor intern must furnish evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) ~~[Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~(d)]~~ Possesses a graduate degree in counseling from an accredited college or university approved by the Board which required the completion of a practicum or internship; and

~~[(c)]~~ ***(d)*** Has entered into a supervision agreement with an approved supervisor.

Sec. 74. NRS 641A.2884 is hereby amended to read as follows:

641A.2884 The holder of a license as a clinical professional counselor intern:

1. May engage in the practice of clinical professional counseling only for the purposes of obtaining the supervised experience required by subsection ~~[5]~~ ***4*** of NRS 641A.231 for a license to practice as a clinical professional counselor; and

2. Shall not engage in the practice of clinical professional counseling independently.

Sec. 75. NRS 641B.200 is hereby amended to read as follows:

641B.200 Each applicant for a license shall furnish evidence satisfactory to the Board that the applicant is ~~[:~~

~~1. At]~~ ***at*** least 21 years of age.

~~[2. A citizen of the United States, or is lawfully entitled to remain and work in the United States.]~~

Sec. 76. NRS 641B.271 is hereby amended to read as follows:

641B.271 1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in social work;

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

~~[(5)]~~ ***(4)*** Has been continuously and actively engaged in social work for the past 5 years;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the

Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 77. NRS 641B.272 is hereby amended to read as follows:

641B.272 1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) **[**~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~**]** Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in social work;

[~~(4)~~**]** ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

[~~(5)~~**]** ***(4)*** Is currently engaged in social work under the license held required by paragraph (a) of subsection 1;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the

application and issue a license by endorsement to engage in social work to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in social work in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 78. NRS 641C.150 is hereby amended to read as follows:

641C.150 1. The Board of Examiners for Alcohol, Drug and Gambling Counselors, consisting of seven members appointed by the Governor, is hereby created.

2. The Board must consist of:

(a) Three members who are licensed as clinical alcohol and drug abuse counselors or alcohol and drug abuse counselors pursuant to the provisions of this chapter.

(b) One member who is certified as an alcohol and drug abuse counselor pursuant to the provisions of this chapter.

(c) Two members who are licensed pursuant to chapter 630, 632, 641, 641A or 641B of NRS and certified as problem gambling counselors pursuant to the provisions of this chapter.

(d) One member who is a representative of the general public. This member must not be:

(1) A licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor or a certified problem gambling counselor; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed clinical alcohol and drug abuse counselor or a licensed or certified alcohol and drug abuse counselor or a certified problem gambling counselor.

3. A person may not be appointed to the Board unless he or she is [~~:~~

~~(a) A citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(b) A~~] ***a*** resident of this State.

4. No member of the Board may be held liable in a civil action for any act that he or she performs in good faith in the execution of his or her duties pursuant to the provisions of this chapter.

Sec. 79. NRS 641C.330 is hereby amended to read as follows:

641C.330 The Board shall issue a license as a clinical alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~] Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders;

[~~(d)~~] ***(c)*** Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;

[~~(e)~~] ***(d)*** Has completed a program that:

(1) Is approved by the Board; and

(2) Consists of at least 2,000 hours of postgraduate counseling of persons with mental illness who are also alcohol and drug abusers that is supervised by a licensed clinical alcohol and drug abuse counselor who is approved by the Board;

[~~(f)~~] ***(e)*** Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

[~~(g)~~] ***(f)*** Pays the fees required pursuant to NRS 641C.470; and

[~~(h)~~] ***(g)*** Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~] Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or

(3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

[~~(d)~~] ***(c)*** Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;

[~~(e)~~] ***(d)*** Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

[~~(f)~~] ***(e)*** Pays the fees required pursuant to NRS 641C.470; and

[~~(g)~~] ***(f)*** Submits all the information required to complete an application for a license.

Sec. 80. NRS 641C.3305 is hereby amended to read as follows:

641C.3305 1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) **[**~~Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)~~**]** Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a clinical alcohol and drug abuse counselor; and

[~~(4)~~**]** ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 81. NRS 641C.3306 is hereby amended to read as follows:

641C.3306 1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the

requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a clinical alcohol and drug abuse counselor; and

~~[(4)]~~ *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a

provisional license authorizing an applicant to practice as a clinical alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 82. NRS 641C.340 is hereby amended to read as follows:

641C.340 1. The Board shall issue a certificate as a clinical alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)]~~ Pays the fees required pursuant to NRS 641C.470;

~~[(d)]~~ ***(c)*** Submits proof to the Board that the person has received a master's degree or doctoral degree in a field of social science approved by the Board that includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders; and

~~[(e)]~~ ***(d)*** Submits all the information required to complete an application for a certificate.

2. A certificate as a clinical alcohol and drug abuse counselor intern is valid for 6 months and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified clinical alcohol and drug abuse counselor intern may, under the supervision of a licensed clinical alcohol and drug abuse counselor:

(a) Engage in the clinical practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 83. NRS 641C.350 is hereby amended to read as follows:

641C.350 The Board shall issue a license as an alcohol and drug abuse counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)]~~ Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

~~[(d)]~~ ***(c)*** Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

~~[(e)]~~ ***(d)*** Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~[(f)]~~ ***(e)*** Pays the fees required pursuant to NRS 641C.470; and

~~[(g)]~~ ***(f)*** Submits all information required to complete an application for a license.

2. A person who:

(a) Is not less than 21 years of age;

(b) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)]~~ Is:

(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;

(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;

(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;

(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or

(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;

~~[(d)]~~ ***(c)*** Has completed 1,000 hours of supervised counseling of alcohol and drug abusers approved by the Board;

~~[(e)]~~ ***(d)*** Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

~~[(f)]~~ ***(e)*** Pays the fees required pursuant to NRS 641C.470; and

~~[(g)]~~ ***(f)*** Submits all information required to complete an application for a license.

Sec. 84. NRS 641C.355 is hereby amended to read as follows:

641C.355 1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as an alcohol and drug abuse counselor; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 85. NRS 641C.356 is hereby amended to read as follows:

641C.356 1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an alcohol and drug abuse counselor; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 86. NRS 641C.390 is hereby amended to read as follows:

641C.390 1. The Board shall issue a certificate as an alcohol and drug abuse counselor to a person who:

(a) Is not less than 21 years of age;

(b) [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~— (c)~~] Except as otherwise provided in subsection 2, has received a bachelor's degree from an accredited college or university in a field of social science approved by the Board;

[~~(d)~~] ***(c)*** Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;

[~~(e)~~] ***(d)*** Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;

[~~(f)~~] ***(e)*** Pays the fees required pursuant to NRS 641C.470; and

[~~(g)~~] ***(f)*** Submits all information required to complete an application for a certificate.

2. The Board may waive the educational requirement set forth in paragraph [~~(c)~~] ***(b)*** of subsection 1 if an applicant for a certificate has contracted with or receives a grant from the Federal Government to provide services as an alcohol and drug abuse counselor to persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 5301 et seq. or 25 U.S.C. §§ 1601 et seq. An alcohol and drug abuse counselor certified pursuant to this section for whom the educational requirement set forth in paragraph [~~(c)~~] ***(b)*** of subsection 1 is waived may provide services as an alcohol and drug abuse

counselor only to those persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 5301 et seq. or 25 U.S.C. §§ 1601 et seq.

3. A certificate as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.

4. A certified alcohol and drug abuse counselor may:

(a) Engage in the practice of counseling alcohol and drug abusers;

(b) Diagnose or classify a person as an alcoholic or abuser of drugs; and

(c) If the certified alcohol and drug abuse counselor has been certified for at least 3 years and meets any other requirements prescribed by regulation of the Board for the supervision of interns, supervise certified alcohol and drug abuse counselor interns.

Sec. 87. NRS 641C.395 is hereby amended to read as follows:

641C.395 1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a certificate as an alcohol and drug abuse counselor; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 88. NRS 641C.396 is hereby amended to read as follows:

641C.396 1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an alcohol and drug abuse counselor; and

~~[(4)]~~ ***(3)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 89. NRS 641C.420 is hereby amended to read as follows:

641C.420 1. The Board shall issue a certificate as an alcohol and drug abuse counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) **[**~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~— (c)~~**]** Pays the fees required pursuant to NRS 641C.470;

[~~(d)~~**]** ***(c)*** Submits proof to the Board that the person:

(1) Is enrolled in a program in which he or she has completed at least 60 hours of credit toward the completion of a bachelor's degree in a field of social science approved by the Board;

(2) Is enrolled in a program from which he or she will receive a master's degree or doctoral degree in a field of social science approved by the Board; or

(3) Has received an associate's degree, bachelor's degree, master's degree or doctoral degree that included at least 18 hours of credit specifically related to the practice of counseling alcohol and drug abusers in a field of social science approved by the Board;

[~~(e)~~**]** ***(d)*** Has received at least 6 hours of instruction relating to confidentiality and 6 hours of instruction relating to ethics; and

[~~(f)~~**]** ***(e)*** Submits all information required to complete an application for a certificate.

2. A certificate as an alcohol and drug abuse counselor intern is valid for 6 months and may be renewed. The Board may waive any requirement for the renewal of a certificate upon good cause shown by the holder of the certificate.

3. A certified alcohol and drug abuse counselor intern may, under the supervision of a licensed alcohol and drug abuse counselor, licensed clinical alcohol and drug abuse counselor or certified alcohol and drug abuse counselor who meets the requirements of paragraph (c) of subsection 4 of NRS 641C.390:

(a) Engage in the practice of counseling alcohol and drug abusers; and

(b) Diagnose or classify a person as an alcoholic or drug abuser.

Sec. 90. NRS 641C.430 is hereby amended to read as follows:

641C.430 The Board may issue a certificate as a problem gambling counselor to:

1. A person who:

(a) Is not less than 21 years of age;

(b) [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~] Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;

[~~(d)~~] *(c)* Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

[~~(e)~~] *(d)* Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

[~~(f)~~] *(e)* Passes the written and oral examination prescribed by the Board pursuant to NRS 641C.290;

[~~(g)~~] *(f)* Presents himself or herself when scheduled for an interview at a meeting of the Board;

[~~(h)~~] *(g)* Pays the fees required pursuant to NRS 641C.470; and

[~~(i)~~] *(h)* Submits all information required to complete an application for a certificate.

2. A person who:

(a) Is not less than 21 years of age;

(b) [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)~~] Is licensed as:

(1) A clinical social worker pursuant to chapter 641B of NRS;

(2) A clinical professional counselor pursuant to chapter 641A of NRS;

(3) A marriage and family therapist pursuant to chapter 641A of NRS;

(4) A physician pursuant to chapter 630 of NRS;

(5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;

(6) A psychologist pursuant to chapter 641 of NRS;

(7) An alcohol and drug abuse counselor pursuant to this chapter; or

(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;

[~~(d)~~] *(c)* Has completed not less than 60 hours of training specific to problem gambling approved by the Board;

[~~(e)~~] *(d)* Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;

[~~(f)~~] *(e)* Passes the written and oral examination prescribed by the Board pursuant to NRS 641C.290;

[~~(g)~~] *(f)* Pays the fees required pursuant to NRS 641C.470; and

[~~(h)~~] *(g)* Submits all information required to complete an application for a certificate.

Sec. 91. NRS 641C.432 is hereby amended to read as follows:

641C.432 1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a certificate as a problem gambling counselor; and

~~[(4)]~~ *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 92. NRS 641C.433 is hereby amended to read as follows:

641C.433 1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a problem gambling counselor; and

~~[(4)]~~ *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as a problem gambling counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 93. NRS 641C.440 is hereby amended to read as follows:

641C.440 1. The Board may issue a certificate as a problem gambling counselor intern to a person who:

(a) Is not less than 21 years of age;

(b) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c)]~~ Submits proof to the Board that the person:

(1) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board; or

(2) Is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board;

~~[(d)]~~ ***(c)*** Has completed not less than 30 hours of training specific to problem gambling approved by the Board;

~~[(e)]~~ ***(d)*** Demonstrates that a certified problem gambling counselor approved by the Board has agreed to supervise him or her in a setting approved by the Board;

~~[(f)]~~ ***(e)*** Pays the fees required pursuant to NRS 641C.470; and

~~[(g)]~~ ***(f)*** Submits all information required to complete an application for a certificate.

2. A certificate as a problem gambling counselor intern is valid for 6 months and, except as otherwise provided in subsection 3, may be renewed.

3. A certificate as a problem gambling counselor intern issued to a person on the basis that the person is enrolled in a program at an accredited college or university from which he or she will receive a bachelor's degree, master's degree or a doctoral degree in a field of social science approved by the Board may be renewed not more than nine times.

4. A certified problem gambling counselor intern may, under the supervision of a certified problem gambling counselor:

(a) Engage in the practice of counseling problem gamblers; and

(b) Assess and evaluate a person as a problem gambler.

Sec. 94. NRS 644A.300 is hereby amended to read as follows:

644A.300 The Board shall admit to examination for a license as a cosmetologist any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~4.]~~ Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

~~[5.]~~ ***4.*** Has had any one of the following:

(a) Training of at least 1,600 hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 600 hours of specialized training approved by the Board.

(d) At least 3,200 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644A.310.

Sec. 95. NRS 644A.315 is hereby amended to read as follows:

644A.315 The Board shall admit to examination for a license as a hair designer each person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~4.]~~ Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~[5.]~~ ***4.*** Satisfies at least one of the following:

(a) Is a barber registered pursuant to chapter 643 of NRS.

(b) Has had training of at least 1,200 hours, extending over a period of 7 consecutive months, in a school of cosmetology approved by the Board.

(c) Has had practice of the occupation of hair designing for at least 4 years outside this State.

(d) Has had at least 2,400 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to NRS 644A.325.

Sec. 96. NRS 644A.330 is hereby amended to read as follows:

644A.330 The Board shall admit to examination for a license as an esthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

3. ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~4.]~~ Has successfully completed the 10th grade in school or its equivalent; and

~~[5.]~~ ***4.*** Has had any one of the following:

(a) A minimum of 900 hours of training, which includes theory, modeling and practice, in a licensed school of cosmetology.

(b) Practice as a full-time licensed esthetician for at least 1 year.

(c) At least 1,800 hours of service as an esthetician's apprentice in a licensed cosmetological establishment in which esthetics is practiced. The required hours must have been completed during the period of validity of the certificate of registration as an esthetician's apprentice issued to the person pursuant to NRS 644A.340.

Sec. 97. NRS 644A.345 is hereby amended to read as follows:

644A.345 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~4.~~] Has successfully completed the 10th grade in school or its equivalent.

[~~5.~~] ***4.*** Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a full-time licensed nail technologist for 1 year outside the State of Nevada.

(c) At least 1,200 hours of service as a nail technologist's apprentice in a licensed cosmetological establishment in which nail technology is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a nail technologist's apprentice issued to the person pursuant to NRS 644A.355.

Sec. 98. NRS 644A.360 is hereby amended to read as follows:

644A.360 1. Except as otherwise provided in NRS 644A.365, the Board shall admit to examination as a hair braider each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(d)~~] Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

[~~(e)~~] ***(d)*** If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and prevention and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.

~~[(f)]~~ ***(e)*** If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license, identification card or permanent resident card issued to the applicant by this State or another state, the District of Columbia, the United States or any territory of the United States or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 99. NRS 644A.365 is hereby amended to read as follows:

644A.365 1. The Board shall admit to examination as a hair braider each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of $200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(d)]~~ Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~[(e)]~~ ***(d)*** If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in NRS 644A.370.

~~[(f)]~~ ***(e)*** If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license, identification card or permanent resident card issued to the applicant by this State or another state, the District of Columbia, the United States or any territory of the United States or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;

(2) The birth certificate of the applicant; or

(3) The current passport issued to the applicant.

Sec. 100. NRS 644A.370 is hereby amended to read as follows:

644A.370 1. The examination for licensure as a hair braider pursuant to paragraph [(e)] ***(d)*** of subsection 1 of NRS 644A.365 must include:

(a) A written test on antisepsis, sterilization and sanitation;

(b) A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; and

(c) Such other tests or examinations as the Board deems necessary.

2. The examination for licensure as a hair braider pursuant to NRS 644A.360 or paragraph [(f)] ***(e)*** of subsection 1 of NRS 644A.365 must include:

(a) The written tests and such other tests or examinations described in subsection 1; and

(b) A practical demonstration in hair braiding.

Sec. 101. NRS 644A.375 is hereby amended to read as follows:

644A.375 1. The Board shall admit to examination for a certificate of registration as a shampoo technologist, any person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 16 years of age.

(b) Is of good moral character.

(c) [Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d)] Has successfully completed the 10th grade in school or its equivalent.

[(e)] ***(d)*** Satisfies at least one of the following:

(1) Training of at least 50 hours in a licensed school of cosmetology as a student of the occupation of a cosmetologist or hair designer;

(2) Training of at least 50 hours in a licensed school of cosmetology in a curriculum prescribed by the Board by regulation;

(3) Training of at least 50 hours which is administered online by the Board in a curriculum prescribed by the Board by regulation; or

(4) Has had practice as a full-time licensed shampoo technologist for 1 year outside this State.

2. The Board may charge a fee of not more than $50 to administer the training described in subparagraph (3) of paragraph [~~(c)~~] ***(d)*** of subsection 1.

3. A certificate of registration as a shampoo technologist is valid for 2 years after the date on which it is issued and may be renewed by the Board upon good cause shown.

Sec. 102. NRS 644A.385 is hereby amended to read as follows:

644A.385 The Board shall admit to examination for a license as a demonstrator of cosmetics any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;

2. Is of good moral character;

3. [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~4.~~] Has completed a course provided by the Board relating to sanitation; and

[~~5.~~] ***4.*** Except as otherwise provided in NRS 622.090, has received a score of not less than 75 percent on the examination administered by the Board.

Sec. 103. NRS 644A.395 is hereby amended to read as follows:

644A.395 1. Each makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment shall, on or before January 1 of each year, register with the Board on a form prescribed by the Board. The registration must:

(a) Include:

(1) The name, address, electronic mail address and telephone number of the makeup artist; and

(2) The name and license number of each cosmetological establishment in which the makeup artist will be practicing makeup artistry.

(b) Be accompanied by:

(1) A notarized statement indicating that the makeup artist:

(I) Is 18 years of age or older;

(II) Is of good moral character; ***and***

(III) [~~Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(IV)~~] Has completed at least 2 years of high school; and

(2) Two current photographs of the makeup artist which are 2 by 2 inches.

2. The Board shall charge a fee of not more than $25 for registering a makeup artist pursuant to this section.

3. A makeup artist shall not practice makeup artistry in a licensed cosmetological establishment without first obtaining a certificate of registration.

4. A makeup artist, other than a makeup artist required to be registered pursuant to subsection 1, shall not engage in the practice of makeup artistry in this State unless he or she:

(a) Is 18 years of age or older;

(b) Is of good moral character; ***and***

(c) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~(d)]~~ Has completed at least 2 years of high school.

Sec. 104. NRS 644A.400 is hereby amended to read as follows:

644A.400 The Board shall admit to examination for a license as an electrologist any person who has made application to the Board in the proper form and paid the fee, and who before or on the date set for the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~4.]~~ Has successfully completed the 12th grade in school or its equivalent.

~~[5.]~~ ***4.*** Has or has completed any one of the following:

(a) A minimum training of 500 hours under the immediate supervision of an approved electrologist in an approved school in which the practice is taught.

(b) Study of the practice for at least 1,000 hours extending over a period of 5 consecutive months, under an electrologist licensed pursuant to this chapter, in an approved program for electrologist's apprentices.

(c) A valid electrologist's license issued by a state whose licensing requirements are equal to or greater than those of this State.

(d) Either training or practice, or a combination of training and practice, in electrology outside this State for a period specified by regulations of the Board.

Sec. 105. NRS 644A.460 is hereby amended to read as follows:

644A.460 Except as otherwise provided in NRS 644A.365, upon application to the Board, accompanied by a fee of $200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~4.]~~ Is currently licensed in another state or territory or the District of Columbia.

Sec. 106. NRS 648.110 is hereby amended to read as follows:

648.110 1. Before the Board grants any license, the applicant, including each director and officer of a corporate applicant, must:

(a) Be at least 21 years of age.

(b) ~~[Be a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~(c)]~~ Be of good moral character and temperate habits.

~~[(d)]~~ ***(c)*** Have no conviction of:

(1) A felony relating to the practice for which the applicant wishes to be licensed; or

(2) Any crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

2. Each applicant, or the qualifying agent of a corporate applicant, must:

(a) If an applicant for a private investigator's license, have at least 5 years' experience as an investigator, or the equivalent thereof, as determined by the Board.

(b) If an applicant for a repossessor's license, have at least 5 years' experience as a repossessor, or the equivalent thereof, as determined by the Board.

(c) If an applicant for a private patrol officer's license, have at least 5 years' experience as a private patrol officer, or the equivalent thereof, as determined by the Board.

(d) If an applicant for a process server's license, have at least 2 years' experience as a process server, or the equivalent thereof, as determined by the Board.

(e) If an applicant for a dog handler's license, demonstrate to the satisfaction of the Board his or her ability to handle, supply and train watchdogs.

(f) If an applicant for a license as an intern, have:

(1) Received:

(I) A baccalaureate degree from an accredited college or university and have at least 1 year's experience in investigation or polygraphic examination satisfactory to the Board;

(II) An associate degree from an accredited college or university and have at least 3 years' experience; or

(III) A high school diploma or its equivalent and have at least 5 years' experience; and

(2) Satisfactorily completed a basic course of instruction in polygraphic techniques satisfactory to the Board.

(g) If an applicant for a license as a polygraphic examiner:

(1) Meet the requirements contained in paragraph (f);

(2) Have actively conducted polygraphic examinations for at least 2 years;

(3) Have completed successfully at least 250 polygraphic examinations, including at least 100 examinations concerning specific inquiries as distinguished from general examinations for the purpose of screening;

(4) Have completed successfully at least 50 polygraphic examinations, including 10 examinations concerning specific inquiries, during the 12 months immediately before the date of application; and

(5) Have completed successfully at least 24 hours of advanced polygraphic training acceptable to the Board during the 2 years immediately before the date of application.

(h) Meet other requirements as determined by the Board.

3. The Board, when satisfied from recommendations and investigation that the applicant is of good character, competency and integrity, may issue and deliver a license to the applicant entitling the applicant to conduct the business for which he or she is licensed, for the period which ends on July 1 next following the date of issuance.

4. For the purposes of this section, 1 year of experience consists of 2,000 hours of experience.

Sec. 107. NRS 648.1493 is hereby amended to read as follows:

648.1493 1. To obtain a registration, a person must:

(a) Be a natural person;

(b) File a written application for registration with the Board;

(c) Comply with the applicable requirements of this chapter; and

(d) Pay an application fee set by the Board of not more than $135.

2. An application for registration must include:

(a) A fully completed application for registration as an employee;

(b) A passport size photo;

(c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board; and

(d) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Board shall issue a registration to an applicant if:

(a) The application is verified by the Board and complies with the applicable requirements of this chapter; and

(b) The applicant:

(1) Is at least 18 years of age;

(2) ~~[Is a citizen of the United States or lawfully entitled to remain and work in the United States;~~

~~(3)]~~ Is of good moral character and temperate habits;

~~[(4)]~~ ***(3)*** Has not been convicted of, or entered a plea of nolo contendere to, a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon;

~~[(5)]~~ ***(4)*** Has not made a false statement of material fact on the application; and

~~[(6)]~~ ***(5)*** Has not violated any provision of this chapter, a regulation adopted pursuant thereto or an order of the Board.

4. Upon the issuance of a registration, a pocket card of such size, design and content as may be determined by the Board will be issued without charge to each registered employee, and will be evidence that the employee is duly registered pursuant to this chapter.

5. A registration issued pursuant to this section and the cards issued pursuant to subsection 4 expire 5 years after the date the registration is issued,

unless it is renewed. To renew a registration, the holder of the registration must submit to the Board on or before the date the registration expires:

(a) A fully completed application for renewal of registration as an employee;

(b) A passport size photo;

(c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board;

(d) A renewal fee set by the Board of not more than $135; and

(e) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information or supporting materials may include, without limitation, other forms of identification of the person.

6. A denial of registration may be appealed to the Board. The Board shall adopt regulations providing for the consideration of such appeals.

Sec. 108. NRS 649.085 is hereby amended to read as follows:

649.085 Every individual applicant, every officer and director of a corporate applicant, and every member of a firm or partnership applicant for a license as a collection agency or collection agent must submit proof satisfactory to the Commissioner that he or she:

1. ~~[Is a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~2.]~~ Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

~~[3.]~~ ***2.*** Has not had a collection agency license suspended or revoked within the 10 years immediately preceding the date of the application.

~~[4.]~~ ***3.*** Has not been convicted of, or entered a plea of nolo contendere to:

(a) A felony relating to the practice of collection agencies or collection agents; or

(b) Any crime involving fraud, misrepresentation or moral turpitude.

~~[5.]~~ ***4.*** Has not made a false statement of material fact on the application.

~~[6.]~~ ***5.*** Will maintain one or more offices in this State or one or more offices in another state for the transaction of the business of his or her collection agency.

~~[7.]~~ ***6.*** Has established a plan to ensure that his or her collection agency will provide the services of a collection agency adequately and efficiently.

Sec. 109. NRS 649.196 is hereby amended to read as follows:

649.196 1. Each applicant for a manager's certificate must submit proof satisfactory to the Commissioner that the applicant:

(a) ~~[Is a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~(b)]~~ Is at least 21 years of age.

~~[(c)]~~ ***(b)*** Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

~~[(d)]~~ ***(c)*** Has not committed any of the acts specified in NRS 649.215.

~~[(e)]~~ ***(d)*** Has not had a collection agency license or manager's certificate suspended or revoked within the 10 years immediately preceding the date of filing the application.

~~[(f)]~~ ***(e)*** Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

~~[(g)]~~ ***(f)*** Has had not less than 2 years' full-time experience with a collection agency in the collection of accounts assigned by creditors who were not affiliated with the collection agency except as assignors of accounts. At least 1 year of the 2 years of experience must have been within the 18-month period preceding the date of filing the application.

2. Each applicant must:

(a) Pass the examination or reexamination provided for in NRS 649.205.

(b) Pay the required fees.

(c) Submit, in such form as the Commissioner prescribes:

(1) Three recent photographs; and

(2) Three complete sets of fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Submit such other information reasonably related to his or her qualifications for the manager's certificate as the Commissioner determines to be necessary.

3. The Commissioner may refuse to issue a manager's certificate if the applicant does not meet the requirements of subsections 1 and 2.

4. If the Commissioner refuses to issue a manager's certificate pursuant to this section, the Commissioner shall notify the applicant in writing by certified mail stating the reasons for the refusal. The applicant may submit a written request for a hearing within 20 days after receiving the notice. If the applicant fails to submit a written request within the prescribed period, the Commissioner shall enter a final order.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 110. NRS 654.155 is hereby amended to read as follows:

654.155 Each applicant for licensure as an administrator of a residential facility for groups pursuant to this chapter must:

1. Be at least 21 years of age;

2. ~~[Be a citizen of the United States or lawfully entitled to remain and work in the United States;~~

~~3.]~~ Be of good moral character and physically and emotionally capable of administering a residential facility for groups;

~~[4.]~~ ***3.*** Have satisfactorily completed a course of instruction and training prescribed or approved by the Board or be qualified by reason of the applicant's education, training or experience to administer, supervise and manage a residential facility for groups;

~~[5.]~~ ***4.*** Pass an examination conducted and prescribed by the Board;

~~[6.]~~ ***5.*** Submit with the application:

(a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) A fee to cover the actual cost of obtaining the report from the Federal Bureau of Investigation;

~~[7.]~~ ***6.*** Comply with such other standards and qualifications as the Board prescribes; and

~~[8.]~~ ***7.*** Submit all information required to complete the application.

Sec. 111. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held not less than twice a year at such times and places as the Board may designate.

2. No natural person may be admitted to the examination unless the natural person first applies to the Board as required by NRS 656.150. The application must include, without limitation, satisfactory evidence to the Board that the applicant has, at the time of filing his or her application:

(a) Satisfied the requirements set forth in subsections 1 to ~~[5,]~~ ***4,*** inclusive, of NRS 656.180;

(b) Received a passing grade on:

(1) The National Court Reporters Association's examination for registered professional reporters; or

(2) The National Verbatim Reporters Association's examination for certified verbatim reporters;

(c) Received one of the following:

(1) A certificate as a registered professional reporter issued to the applicant by the National Court Reporters Association;

(2) A certificate as a registered merit reporter issued to the applicant by the National Court Reporters Association;

(3) A certificate as a certified verbatim reporter issued to the applicant by the National Verbatim Reporters Association; or

(4) A valid certificate or license to practice court reporting issued to the applicant by another state if the requirements for certification or licensure in that state are substantially equivalent to the requirements of this State for obtaining a certificate;

(d) Either:

(1) At least 1 year of continuous experience within the 5 years immediately preceding the application, in the practice of court reporting or

producing verbatim records of meetings and conferences by the use of voice writing or any system of manual or mechanical shorthand writing and transcribing those records; or

(2) Obtained in the 12 months immediately preceding the application, a certificate of satisfactory completion of a prescribed course of study from a court reporting program that, as determined by the Board, evidences a proficiency substantially equivalent to subparagraph (1); and

(e) Paid the fee for filing an application for an examination set forth in NRS 656.220.

3. As used in this section, "practice of court reporting" includes reporting by use of voice writing or any system of manual or mechanical shorthand writing, regardless of the state in which the reporting took place.

Sec. 112. NRS 656.180 is hereby amended to read as follows:

656.180 An applicant for a certificate of registration as a certified court reporter is entitled to a certificate if the applicant:

1. ~~[Is a citizen of the United States or lawfully entitled to remain and work in the United States;~~
~~2.]~~ Is at least 18 years of age;

~~[3.]~~ ***2.*** Is of good moral character;

~~[4.]~~ ***3.*** Has not been convicted of a felony relating to the practice of court reporting;

~~[5.]~~ ***4.*** Has a high school education or its equivalent;

~~[6.]~~ ***5.*** Satisfactorily passes:

(a) An examination administered by the Board pursuant to NRS 656.160; and

(b) One of the examinations described in paragraph (b) of subsection 2 of NRS 656.170;

~~[7.]~~ ***6.*** Pays the requisite fees; and

~~[8.]~~ ***7.*** Submits all information required to complete an application for a certificate of registration.

Sec. 113. Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator or the Division, as applicable, shall not deny the application of a person for a sales agent's license pursuant to NRS 119A.210, a registration as a representative pursuant to NRS 119A.240 or a registration as a manager of a project pursuant to NRS 119A.532 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 119A.210, 119A.240 and 119A.532, an applicant for a sales agent's license or a registration as a representative or a manager of a project who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application.

3. The Administrator or the Division, as applicable, shall not disclose to any person who is not employed by the Administrator or the Division the

social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Administrator or the Division, as applicable, is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 113.5. NRS 239.010 is hereby amended to read as follows:

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

416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***sections 3, 113, 116, 117, 120 to 122, inclusive, 125, 129, 132 and 138 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. 114. Chapter 240 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall not ~~***[deny the application of a person to be appointed as a notary public pursuant to NRS 240.015 based solely on his or her immigration or citizenship status.***~~

~~***2. An applicant for appointment as a notary public who does not have a]***~~ ***collect the social security number*** ~~***[must provide]***~~ ***or an alternative personally identifying number, including, without limitation,*** ~~***[his or her]***~~ ***an individual taxpayer identification number,*** ~~***[when completing an application]***~~ ***from a notary public or an applicant for appointment as a notary public.***

~~***[3. The Secretary of State shall not disclose to any person who is not employed by the Secretary of State the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:***~~

~~***(a) Tax purposes;***~~

~~***(b) Licensing purposes; and***~~

~~***(c) Enforcement of an order for the payment of child support.***~~

~~***4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Secretary of State is confidential and is not a public record for the purposes of chapter 239 of NRS.]***~~

Sec. 115. NRS 240.015 is hereby amended to read as follows:

240.015 1. Except as otherwise provided in this section, a person appointed as a notary public must:

(a) **[**~~During the period of his or her appointment, be a citizen of the United States or lawfully admitted for permanent residency in the United States as verified by the United States Citizenship and Immigration Services.~~
~~(b)~~**]** Be a resident of this State.

[~~(c)~~**]** ***(b)*** Be at least 18 years of age.

[~~(d)~~**]** ***(c)*** Possess his or her civil rights.

[~~(e)~~**]** ***(d)*** Have completed a course of study pursuant to NRS 240.018.

2. **[**~~If a person appointed as a notary public ceases to be lawfully admitted for permanent residency in the United States during his or her appointment, the person shall, within 90 days after his or her lawful admission has expired or is otherwise terminated, submit to the Secretary of State evidence that the person is lawfully readmitted for permanent residency as verified by the United States Citizenship and Immigration Services. If the person fails to submit such evidence within the prescribed time, the person's appointment expires by operation of law.~~
~~3.~~**]** The Secretary of State may appoint a person who resides in an adjoining state as a notary public if the person:

(a) Maintains a place of business in the State of Nevada that is registered pursuant to chapter 76 of NRS and any applicable business licensing requirements of the local government where the business is located; or

(b) Is regularly employed at an office, business or facility located within the State of Nevada by an employer registered to do business in this State.

➥ If such a person ceases to maintain a place of business in this State or regular employment at an office, business or facility located within this State, the Secretary of State may suspend the person's appointment. The Secretary of State may reinstate an appointment suspended pursuant to this subsection if the notary public submits to the Secretary of State, before his or her term of appointment as a notary public expires, the information required pursuant to subsection 2 of NRS 240.030.

Sec. 116. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The city council or other governing body of a city in the State of Nevada shall not deny the application of a person for a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 266.368 or any municipal ordinance, an applicant for a license, permit or certificate to practice a profession or occupation pursuant to NRS 266.355 or 268.0887 who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license, permit or certificate.

3. The city council or other governing body of a city in the State of Nevada shall not disclose to any person who is not employed by the city council or other governing body the social security number or alternative

personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the city council or other governing body in the State of Nevada is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 117. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A town board or board of county commissioners shall not deny the application of a person for a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 269.173, an applicant for a license, permit or certificate to practice a profession or occupation pursuant to NRS 269.170 who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license, permit or certificate.

3. The town board or board of county commissioners shall not disclose to any person who is not employed by the town board or board of county commissioners the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the town board or board of county commissioners is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 118. (Deleted by amendment.)

Sec. 119. (Deleted by amendment.)

Sec. 120. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall not deny the application of a person for a certificate as an appraiser pursuant to NRS 361.221 based solely his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 361.2224, an applicant for a certificate as an appraiser who does not have a social security number must

provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a certificate as an appraiser.

3. The Department shall not disclose to any person who is not employed by the Department the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Department is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 121. Chapter 379 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Library, Archives and Public Records Administrator shall not deny the application of a person for certification by the State Library, Archives and Public Records Administrator pursuant to the regulations adopted pursuant to NRS 379.0073 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 379.0077, an applicant for certification by the State Library, Archives and Public Records Administrator who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a certification.

3. The State Library, Archives and Public Records Administrator shall not disclose to any person who is not employed by the State Library, Archives and Public Records Administrator the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the State Library, Archives and Public Records Administrator is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 122. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Superintendent of Public Instruction shall not deny the application of a person for a license as a teacher or educational personnel

pursuant to NRS 391.033 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 391.033, an applicant for a license as a teacher or educational personnel who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license as a teacher or educational personnel.

3. The Superintendent of Public Instruction shall not disclose to any person who is not employed by the Superintendent of Public Instruction the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Superintendent of Public Instruction is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 123. NRS 391.060 is hereby amended to read as follows:

391.060 1. **[**~~Except as otherwise provided in this section and NRS 391.070, it is unlawful for:~~

~~(a) The Superintendent of Public Instruction to issue a license to, or a board of trustees of a school district or a governing body of a charter school to employ, any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.~~

~~(b) The State Controller or any county auditor to issue any warrant to any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.~~

~~2. Upon the request of a school district or the governing body of the charter school, as applicable, the Superintendent of Public Instruction may issue a license to a person who does not meet the requirements of subsection 1 but is otherwise entitled to work in the United States pursuant to federal laws and regulations if:~~

~~(a) The school district or the governing body of the charter school, as applicable, has demonstrated to the satisfaction of the Superintendent of Public Instruction that:~~

~~(1) A shortage of teachers exists; or~~

~~(2) The school district or governing body of the charter school, as applicable, has not been able to employ a person possessing the skills,~~

~~experience or abilities of the person to be licensed and such skills, experience or abilities are needed to address an area of concern for the school district or charter school;~~

~~(b) The person is otherwise qualified to teach, except that the person does not meet the requirements of subsection 1; and~~

~~(c) The school district or governing body of the charter school, as applicable, agrees to employ the person.~~

~~3. If the employment of a person to whom a license is issued pursuant to subsection 2 is terminated, the school district or governing body of the charter school, as applicable, must notify the Superintendent of Public Instruction within 5 business days.~~

~~4. A license issued by the Superintendent of Public Instruction pursuant to subsection 2:~~

~~(a) Automatically expires on the date that the licensee is no longer entitled to work in the United States pursuant to federal laws and regulations; and~~

~~(b) Authorizes the person who holds the license to teach only in the:~~

~~(1) School district or charter school that submitted the request for the issuance of the license to that person; and~~

~~(2) Subject area for which the person is qualified.~~

~~5.]~~ Upon compliance with all applicable federal laws ***,*** ~~[and]~~ regulations ~~[,]~~ ***and internal policies or programs of a federal agency or department,*** the board of trustees of a school district or the governing body of a charter school may employ a person who ~~[does not meet the requirements of subsection 1]~~ ***has the legal right to work in the United States pursuant to any such federal law, regulation or internal policy or program of a federal agency or department*** if the person holds a license issued by the Superintendent of Public Instruction ***.*** ~~[pursuant to subsection 2. A]~~ ***If a teacher who has the legal right to work in the United States which expires on a certain date pursuant to any federal law, regulation or internal policy or program of a federal agency or department, the*** teacher's employment with a school district or the governing body of a charter school, as applicable, ~~[pursuant to this subsection]~~ automatically expires on the date that he or she is no longer entitled to work in the United States pursuant to federal laws ***,*** ~~[and]~~ regulations ~~[.~~

~~6.]~~ ***or internal policies or programs of a federal agency or department.***

2. The State Controller or a county auditor may issue a warrant to a teacher who is employed pursuant to subsection ~~[5.]~~ ***1.***

~~[7.]~~ ***3.*** Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 124. NRS 391.080 is hereby amended to read as follows:

391.080 1. Each teacher or other licensed employee employed in this state whose compensation is payable out of public money, except teachers employed pursuant to the provisions of subsection ~~[5]~~ ***1*** of NRS 391.060 or NRS 391.070, must take and subscribe to the constitutional oath of office before entering upon the discharge of his or her duties.

2. The oath of office, when taken and subscribed, must be filed with the Department.

3. The Superintendent of Public Instruction, the deputy superintendents and other members of the professional staff of the Department designated by the Superintendent, members of boards of trustees of school districts, superintendents of schools, principals of schools and notaries public may administer the oath of office to teachers and other licensed employees.

Sec. 125. Chapter 437 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall not deny the application of a person for a license as a behavior analyst or assistant behavior analyst, a certificate as a state certified behavior interventionist or registration as a behavior technician pursuant to NRS 437.200 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 437.210, an applicant for a license as a behavior analyst or assistant behavior analyst, a certificate as a state certified behavior interventionist or registration as a behavior technician who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license as a behavior analyst or assistant behavior analyst, a certificate as a state certified behavior interventionist or registration as a behavior technician.

3. The Division shall not disclose to any person who is not employed by the Division the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Division is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 126. NRS 437.205 is hereby amended to read as follows:

437.205 1. Except as otherwise provided in NRS 437.215 and 437.220, each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Division that the applicant:

(a) Is of good moral character as determined by the Division.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

2. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Division that the applicant:

(a) Is of good moral character as determined by the Division.

(b) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States.~~

~~(c)]~~ Holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

3. Each application for certification as a state certified behavior interventionist must contain proof that the applicant meets the qualifications prescribed by regulation of the Board, which must be no less stringent than the requirements for registration as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

4. Each application for registration as a registered behavior technician must contain proof that the applicant is registered as a Registered Behavior Technician, or an equivalent credential, by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization. The Board shall not require any additional education or training for registration as a registered behavior technician.

5. Except as otherwise provided in NRS 437.215 and 437.220, within 120 days after receiving an application and the accompanying evidence from an applicant, the Division shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure, certification or registration; and

(b) Issue a written statement to the applicant of its determination.

6. If the Division determines that the qualifications of the applicant are insufficient for licensure, certification or registration, the written statement issued to the applicant pursuant to subsection 5 must include a detailed explanation of the reasons for that determination.

Sec. 127. NRS 437.215 is hereby amended to read as follows:

437.215 1. The Division may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a behavior analyst; and

~~[(4)]~~ *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in NRS 437.200;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Division pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement as a behavior analyst pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving the application; or

(b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

Sec. 128. NRS 437.220 is hereby amended to read as follows:

437.220 1. The Division may issue a license by endorsement as a behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a behavior analyst in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the spouse, widow or widower of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Division with his or her application:

(a) Proof satisfactory to the Division that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) ~~[Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~(3)]~~ Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a behavior analyst; and

~~[(4)]~~ *(3)* Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Division to forward the fingerprints in the manner provided in NRS 437.200;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Division pursuant to the regulations adopted pursuant to NRS 437.140; and

(e) Any other information required by the Division.

3. Not later than 15 business days after receiving an application for a license by endorsement as a behavior analyst pursuant to this section, the Division shall provide written notice to the applicant of any additional information required by the Division to consider the application. Unless the Division denies the application for good cause, the Division shall approve the application and issue a license by endorsement as a behavior analyst to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Division to complete the application; or

(b) Ten days after the Division receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➥ whichever occurs later.

4. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Division may grant a provisional license authorizing an applicant to practice as a behavior analyst in accordance with regulations adopted by the Board.

5. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 129. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Motor Vehicles shall not deny the application of a person for a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles pursuant to the regulations adopted pursuant to NRS 445B.775 based solely on his or her immigration or citizenship status.

2. Notwithstanding the provisions of NRS 445B.776, an applicant for a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles.

3. The Department of Motor Vehicles shall not disclose to any person who is not employed by the Department of Motor Vehicles the social security number or alternative personally identifying number, including, without

limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Department of Motor Vehicles is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 130. NRS 445B.790 is hereby amended to read as follows:

445B.790 1. The Department of Motor Vehicles shall, by regulation, establish procedures for inspecting authorized inspection stations, authorized stations and fleet stations, and may require the holder of a license for an authorized inspection station, authorized station or fleet station to submit any material or document which is used in the program to control emissions from motor vehicles.

2. The Department may deny, suspend or revoke the license of an approved inspector, authorized inspection station, authorized station or fleet station if:

(a) The approved inspector or the holder of a license for an authorized inspection station, authorized station or fleet station is not complying with the provisions of NRS 445B.700 to 445B.815, inclusive ~~[.]~~ ***, and section 129 of this act.***

(b) The holder of a license for an authorized inspection station, authorized station or fleet station refuses to furnish the Department with the requested material or document.

(c) The approved inspector has issued a fraudulent certificate of compliance, whether intentionally or negligently. A "fraudulent certificate" includes, but is not limited to:

(1) A backdated certificate;

(2) A postdated certificate; and

(3) A certificate issued without an inspection.

(d) The approved inspector does not follow the prescribed test procedure.

Sec. 131. NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, ***and section 129 of this act*** relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, ***and section 129 of this act,*** or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

Sec. 132. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall not deny the application of a person for a certificate to operate an intermediary service organization pursuant to NRS 449.4311 based solely on his or her immigration status.

2. Notwithstanding the provisions of NRS 449.4312, an applicant for a certificate to operate an intermediary service organization who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a certificate to operate an intermediary service organization.

3. The Division shall not disclose to any person who is not employed by the Division the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the Division is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 133. NRS 449.4304 is hereby amended to read as follows:

449.4304 As used in NRS 449.4304 to 449.4339, inclusive, ***and section 132 of this act,*** unless the context otherwise requires, "intermediary service organization" means a nongovernmental entity that provides services authorized pursuant to NRS 449.4308 for a person with a disability or other responsible person.

Sec. 134. NRS 449.431 is hereby amended to read as follows:

449.431 1. Except as otherwise provided in subsection 2, a person shall not operate or maintain in this State an intermediary service organization without first obtaining a certificate to operate an intermediary service organization as provided in NRS 449.4304 to 449.4339, inclusive [.] ***, and section 132 of this act.***

2. A person who is licensed to operate an agency to provide personal care services in the home pursuant to this chapter is not required to obtain a certificate to operate an intermediary service organization as described in this section.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 135. NRS 449.4321 is hereby amended to read as follows:

449.4321 The Division may deny an application for a certificate to operate an intermediary service organization or may suspend or revoke any certificate issued under the provisions of NRS 449.4304 to 449.4339, inclusive, ***and section 132 of this act*** upon any of the following grounds:

1. Violation by the applicant or the holder of a certificate of any of the provisions of NRS 449.4304 to 449.4339, inclusive, ***and section 132 of this act*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

2. Aiding, abetting or permitting the commission of any illegal act.

3. Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the operation of an intermediary service organization.

4. Conduct or practice detrimental to the health or safety of a person under contract with or employees of the intermediary service organization.

Sec. 136. NRS 449.4335 is hereby amended to read as follows:

449.4335 1. If an intermediary service organization violates any provision related to its certification, including, without limitation, any provision of NRS 449.4304 to 449.4339, inclusive, ***and section 132 of this act*** or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.4336, may, as it deems appropriate:

(a) Prohibit the intermediary service organization from providing services pursuant to NRS 449.4308 until it determines that the intermediary service organization has corrected the violation;

(b) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(c) Appoint temporary management to oversee the operation of the intermediary service organization and to ensure the health and safety of the persons for whom the intermediary service organization performs services, until:

(1) It determines that the intermediary service organization has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the intermediary service organization fails to pay any administrative penalty imposed pursuant to paragraph (b) of subsection 1, the Division may:

(a) Suspend the certificate to operate an intermediary service organization which is held by the intermediary service organization until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any intermediary service organization that violates any provision of NRS 449.4304 to 449.4339, inclusive, ***and section 132 of this act*** or any condition, standard or regulation adopted by the Board, to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of

the persons for whom the intermediary service organization performs services in accordance with applicable federal standards.

Sec. 137. NRS 449.4338 is hereby amended to read as follows:

449.4338 1. Except as otherwise provided in subsection 2 of NRS 449.431, the Division may bring an action in the name of the State to enjoin any person from operating or maintaining an intermediary service organization within the meaning of NRS 449.4304 to 449.4339, inclusive **[:]** ***, and section 132 of this act:***

(a) Without first obtaining a certificate to operate an intermediary service organization; or

(b) After the person's certificate has been revoked or suspended by the Division.

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

Sec. 138. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The health authority shall not deny the application of a person for a license or certificate pursuant to NRS 450B.160 or 450B.180 based solely on his or her immigration status.

2. Notwithstanding the provisions of NRS 450B.187, an applicant for a license or certificate pursuant to NRS 450B.160 or 450B.180 who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application.

3. The health authority shall not disclose to any person who is not employed by the health authority the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

4. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to the health authority is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 139. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2019, for all other purposes.

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 738 to Assembly Bill No. 275.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:
Amendment 738 to Assembly Bill 275 adds a preamble to declare that the provisions of this bill are not intended to and do not conflict with any federal immigration laws and prohibits the Secretary of State from collecting the social security number or individual taxpayer identification number of any notary public or applicant for appointment as a notary public.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 361.
The following Senate amendment was read:
Amendment No. 686.
AN ACT relating to the ~~[Board of Medical Examiners;]~~ **practice of medicine;** revising provisions relating to a physician **or osteopathic physician** who is supervising medical students; revising provisions relating to certain inspections of medical premises which the Board **of Medical Examiners or the State Board of Osteopathic Medicine** is authorized to conduct; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Under existing law a physician **or osteopathic physician** shall not allow a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward certain medical degrees unless the person is enrolled in good standing at one of certain accredited medical schools. There is an exception for such an activity which takes place in a primary care practice that is located in a health professional shortage area and under certain circumstances. (NRS 630.3745 ~~[) Section]~~ **, 633.6955) Sections** 1 **and 2.5** of this bill ~~[provides]~~ **provide** that a physician **or osteopathic physician** who violates this existing law is subject to a civil penalty of not more than $10,000 for each violation, provided that an action to enforce the civil penalty is brought not later than 2 years after the date of the last such violation.
Existing law authorizes any member or agent of the Board of Medical Examiners to enter any premises in this State where a licensee under the authority of the Board practices, and to perform an inspection to determine if any violations of relevant law have occurred. (NRS 630.395) **Similar authorization is provided for any member or agent of the State Board of Osteopathic Medicine. (NRS 633.512)** **Section 2** of this bill adds, as an example of such a violation for which the premises may be inspected, a violation of the provisions of **section** ~~[2]~~ **1** regarding a physician who supervises a person who is enrolled in an accredited medical school. **Section 2.3 of this bill adds a similar provision pertaining to the premises of an osteopathic physician and a violation of the provisions of section 2.5 by an osteopathic physician.**

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

Section 1. NRS 630.3745 is hereby amended to read as follows:

630.3745 1. Except as otherwise provided in subsection 2, a physician shall not allow a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine, including, without limitation, clinical observation and contact with patients, unless the person is enrolled in good standing at:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine, as defined in NRS 633.121.

2. The provisions of subsection 1 do not apply to a physician who supervises an activity performed by a person for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine if:

(a) The activity takes place:

(1) In a primary care practice that is located in an area that has been designated by the United States Secretary of Health and Human Services as a health professional shortage area pursuant to 42 U.S.C. § 254e; and

(2) Entirely under the supervision of the physician; and

(b) The physician is not currently supervising any other person who is receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine.

3. ***A physician who violates the provisions of this section is subject to a civil penalty of not more than $10,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.***

4. Any action brought under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

5. As used in this section, "primary care practice" means a health care practice operated by one or more physicians who practice in the area of family medicine, internal medicine or pediatrics.

Sec. 2. NRS 630.395 is hereby amended to read as follows:

630.395 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion or respiratory care and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation ~~[, an]~~ ***:***

1. An inspection to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter ~~[.]~~ ***; or***

2. An inspection to determine whether any physician is allowing a person to perform or participate in any activity under the supervision of the physician for the purpose of receiving credit toward a degree of doctor of

medicine, osteopathy or osteopathic medicine in violation of the provisions of NRS 630.3745.

Sec. 2.3. **NRS 633.512 is hereby amended to read as follows:**

633.512 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation [, an] ***:***

1. An inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter [.] ***; or***

2. An inspection to determine whether any osteopathic physician is allowing a person to perform or participate in any activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine in violation of NRS 633.6955.

Sec. 2.5. **NRS 633.6955 is hereby amended to read as follows:**

633.6955 1. Except as otherwise provided in subsection 2, an osteopathic physician shall not allow a person to perform or participate in any activity under the supervision of the osteopathic physician for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine, including, without limitation, clinical observation and contact with patients, unless the person is enrolled in good standing at:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine.

2. The provisions of subsection 1 do not apply to an osteopathic physician who supervises an activity performed by a person for the purpose of receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine if:

(a) The activity takes place:

(1) In a primary care practice that is located in an area that has been designated by the United States Secretary of Health and Human Services as a health professional shortage area pursuant to 42 U.S.C. § 254e; and

(2) Entirely under the supervision of the osteopathic physician; and

(b) The osteopathic physician is not currently supervising any other person who is receiving credit toward a degree of doctor of medicine, osteopathy or osteopathic medicine.

3. ***An osteopathic physician who violates the provisions of this section is subject to a civil penalty of not more than $10,000 for each violation. The Attorney General or any district attorney of this State may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.***

4. Any action brought under this section must be brought not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

5. As used in this section, "primary care practice" means a health care practice operated by one or more physicians who practice in the area of family medicine, internal medicine or pediatrics.

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

Assemblywoman Spiegel moved that the Assembly concur in the Senate Amendment No. 686 to Assembly Bill No. 361.

Remarks by Assemblywoman Spiegel.

ASSEMBLYWOMAN SPIEGEL:

Amendment 686 to Assembly Bill 361 provides that the provisions of the bill also apply to the chapter of *Nevada Revised Statutes* governing osteopathic medicine.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 174.

The following Senate amendment was read:

Amendment No. 760.

ASSEMBLYMEN THOMPSON, DURAN, CARRILLO, FUMO, SPIEGEL; ASSEFA, BACKUS, **BENITEZ-THOMPSON,** BILBRAY-AXELROD, **CARLTON, COHEN, DALY, EDWARDS, ELLISON, FLORES, FRIERSON,** GORELOW, **HAFEN, HAMBRICK, HANSEN, HARDY, JAUREGUI, KRAMER, KRASNER,** LEAVITT, MARTINEZ, **MCCURDY,** MILLER, **MONROE-MORENO,** MUNK [AND] **, NEAL, NGUYEN, PETERS, ROBERTS, SMITH, SWANK, TITUS, TOLLES, TORRES,** WATTS **, WHEELER AND YEAGER**

JOINT SPONSORS: SENATORS PARKS, RATTI, CANCELA **,** [AND] D. HARRIS **; BROOKS, CANNIZZARO, DENIS, DONDERO LOOP, GOICOECHEA, HAMMOND, HANSEN, HARDY, KIECKHEFER, OHRENSCHALL, PICKARD, SCHEIBLE, SEEVERS GANSERT, SETTELMEYER, SPEARMAN, WASHINGTON AND WOODHOUSE**

AN ACT relating to homelessness; establishing the Nevada Interagency Advisory Council on Homelessness to Housing; prescribing the membership and duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the State Department of Agriculture to establish a Supplemental Food Program to supplement the supply of food and the services provided by programs which provide food to indigent persons. (NRS 561.495) In 2013, the Governor issued an executive order establishing the Nevada Interagency Council on Homelessness. (Executive Order 2013-20 (11-4-2013)) **Section 3** of this bill establishes the Nevada Interagency Advisory Council on Homelessness to Housing in statute and prescribes the membership of the Council. **Section 4** of this bill establishes requirements

governing the meetings of the Council and compensation of the members of the Council. **Section 4** also requires the Department of Health and Human Services to provide administrative support to the Council. **Section 5** of this bill requires the Council to: (1) collaborate with state and local agencies on their responses to homelessness and promote cooperation among federal, state and local agencies to address homelessness; (2) develop a strategic plan for addressing homelessness in this State; (3) establish a technical assistance committee to provide advice and information to assist the Council in developing the strategic plan; and (4) increase awareness of issues related to homelessness in this State. **Section 5** also authorizes the Council to collaborate with and request the assistance of providers of services or any person or entity with expertise in issues related to homelessness. **Section 5** additionally requires state and local agencies to collaborate with and provide information to the Council.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, unless the context otherwise requires, "Council" means the Nevada Interagency Advisory Council on Homelessness to Housing created by section 3 of this act.***

Sec. 3. ***1. The Nevada Interagency Advisory Council on Homelessness to Housing is hereby created. The Council consists of:***

(a) The following ex officio members:

(1) The Chief of Staff to the Governor or his or her designee;

(2) The Director of the Department of Health and Human Services or his or her designee;

(3) The Director of the Department of Corrections or his or her designee;

(4) The Administrator of the Housing Division of the Department of Business and Industry or his or her designee;

(5) The Director of the Department of Veterans Services or his or her designee;

(6) The Sheriff of Clark County or his or her designee; and

(7) The Sheriff of Washoe County or his or her designee;

(b) One member who is a member of the Assembly, appointed by the Speaker of the Assembly;

(c) One member who is a Senator, appointed by the Senate Majority Leader;

(d) One member who is a district judge from the Second or Eighth Judicial District, appointed by the Nevada District Judges Association or its successor organization;

(e) One member who is a district judge or master from a judicial district other than the Second or Eighth Judicial District, appointed by the Nevada District Judges Association or its successor organization;

(f) One member who is the sheriff of a county other than Clark or Washoe, appointed by the Nevada Sheriffs' and Chiefs' Association or its successor organization; and

(g) One member who is not currently homeless but has experienced homelessness in the past, appointed by the Governor.

2. The Governor shall appoint the Chair of the Commission from among its members.

3. After the initial terms, each appointed member shall serve a term of 4 years. If a vacancy occurs during the term of an appointed member, the person or entity who is responsible for making the appointment pursuant to subsection 1 shall appoint a replacement qualified pursuant to that subsection to serve for the remainder of the unexpired term.

Sec. 4. ***1. The Council shall meet at the call of the Chair at least four times each year. A majority of the members of the Council constitutes a quorum and is required to transact any business of the Council.***

2. The members of the Council serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

3. A member of the Council who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Council to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Council; or

(b) Take annual leave or compensatory time for the absence.

4. The Department of Health and Human Services shall provide such administrative support to the Council as is necessary to carry out the duties of the Council.

Sec. 5. ***1. The Council shall:***

(a) Collaborate with state and local agencies on their responses to homelessness and promote cooperation among federal, state and local agencies to address homelessness.

(b) Develop a strategic plan for addressing homelessness in this State that includes, without limitation, recommendations for actions by state and local agencies and for legislation, and update that strategic plan at least once every 5 years.

(c) Establish a technical assistance committee to provide advice and information to assist the Council in developing the strategic plan described in paragraph (b). The technical assistance committee may include, without

limitation, representatives of federal, state and local agencies, providers of services, religious organizations, persons involved in the sale or lease of housing and members of the public.

(d) Increase awareness of issues relating to homelessness among state and local agencies, organizations that provide services to persons who are homeless and the general public.

(e) On or before January 1 of each year, submit to the Governor a report concerning the activities of the Council during the immediately preceding year.

(f) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report concerning the activities of the Council during the immediately preceding 2 years.

2. The Council may:

(a) Collaborate with and request the assistance of providers of services or any person or entity with expertise in issues related to homelessness, including, without limitation, employees of federal, state and local agencies and advocacy groups for the homeless, to assist the Council in carrying out its duties; and

(b) Apply for any available grants and accept any gifts, grants or donations, to assist the Council in carrying out its duties.

3. All state and local agencies shall collaborate with the Council in carrying out the duties prescribed in this section and provide the Council with any information requested by the Council to such extent as is consistent with their other lawful duties.

Sec. 6. 1. As soon as practicable after July 1, 2019:

(a) The Speaker of the Assembly shall appoint to the Council the member described in paragraph (b) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2020;

(b) The Senate Majority Leader shall appoint to the Council the member described in paragraph (c) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021;

(c) The Nevada District Judges Association or its successor organization shall appoint to the Council the members described in paragraphs (d) and (e) of subsection 1 of section 3 of this act to terms of office which expire on June 30, 2023;

(d) The Nevada Sheriffs' and Chiefs' Association or its successor organization shall appoint to the Council the member described in paragraph (f) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2021; and

(e) The Governor shall appoint to the Council the member described in paragraph (g) of subsection 1 of section 3 of this act to a term of office which expires on June 30, 2022.

2. As used in this section, "Council" means the Nevada Interagency Advisory Council on Homelessness to Housing created by section 3 of this act.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 760 to Assembly Bill No. 174.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment adds all of the legislators who were not already sponsors of the bill as co-sponsors in honor of our colleague from Assembly District 17.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 397.

The following Senate amendment was read:

Amendment No. 825.

SUMMARY—Revises provisions governing misconduct by certain public ~~[officials.]~~ **officers.** (BDR 18-1038)

AN ACT relating to misconduct by certain public ~~[officials;]~~ **officers;** authorizing the Nevada Equal Rights Commission to recommend ~~[impeachment or]~~ removal of certain public ~~[officials]~~ **officers** under certain circumstances; ~~[providing that an accusation of certain unlawful employment practices by the Commission is legally sufficient for removal in certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Governor and other state and certain judicial officers may be impeached for misdemeanor or malfeasance in office. (Nev. Const. Art. 7, § 2) The Assembly of the Nevada Legislature has the sole power to impeach, and all impeachments are tried by the Senate. (Nev. Const. Art. 7, § 1) **Existing law requires that provision for the removal of local elected officers and certain other officers be made by law. (Nev. Const. Art. 7, § 4)** Existing law authorizes the removal of certain public officers for ~~[willful or corrupt misconduct]~~ **malpractice or malfeasance** in office. (NRS ~~[283.300)]~~ **283.440)** Existing law establishes the Nevada Equal Rights Commission. (NRS 233.010-233.210) The Commission is authorized to investigate and conduct hearings regarding any unlawful employment practice by an employer. (NRS 233.150) Under existing law, an unlawful employment practice includes discrimination by an employer against a person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin. An unlawful employment practice based on sex includes a prohibition on engaging in acts that constitute sexual harassment. (NRS 613.330; *Switzer v. Rivera*, 174 F. Supp. 2d 1097 (D. Nev. 2001)) If the Administrator of the Commission determines that an unlawful employment practice has occurred, the Administrator is required to

attempt to mediate between or reconcile the parties. If such attempts fail, the Commission is authorized to hold a public hearing on the matter and take certain actions if the Commission finds an unlawful employment practice has occurred. (NRS 233.170)

Section 1 of this bill ~~[authorizes]~~ **requires** the Commission to ~~[submit]~~ **accept a complaint that alleges a local elected officer has engaged in an unlawful employment practice regarding discrimination and take appropriate action. Section 1 also requires the Commission to present** a ~~[recommendation of impeachment]~~ **complaint** to the ~~[Assembly of the Nevada Legislature only]~~ **district court** if the Commission determines in a public hearing that ~~[an]~~ **a local** elected ~~[official]~~ **officer** has committed an unlawful employment practice regarding discrimination in employment and that the discriminatory practice is ~~[significantly]~~ severe ~~[and]~~ **or** pervasive such that ~~[impeachment]~~ **removal from office** is appropriate. ~~[Section 1 similarly authorizes the Commission to present an accusation of an unlawful employment practice in employment regarding discrimination against a district, county, township or municipal officer to the grand jury of a county only if the discriminatory practice is significantly severe and pervasive such that removal is appropriate.]~~ **Section 1** requires that any ~~[damages]~~ **fine or penalty** assessed against an elected ~~[official or district, county, township or municipal]~~ officer be paid in his or her personal capacity. ~~[Section 2 of this bill provides that an accusation of an unlawful employment practice regarding discrimination made against a district, county, township or municipal officer made by the Commission pursuant to section 1 is legally sufficient for removal in certain circumstances.]~~ **Section 2.5 of this bill defines "malfeasance in office" to include, without limitation, engaging in an unlawful employment practice of discrimination or willfully failing to comply with any other sanction imposed by the Commission.**

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission shall accept a complaint that alleges that a local elected officer has engaged in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 and take appropriate action.

2. The Commission ~~[may submit]~~ shall present a ~~[recommendation of impeachment]~~ complaint to the ~~[Assembly only]~~ district court pursuant to NRS 283.440 if the Commission determines after a hearing held pursuant to subsection 3 of NRS 233.170 that ~~[an]~~ a local elected ~~[official]~~ officer has engaged in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 and that the discriminatory practice that forms the basis of such a ~~[recommendation]~~ complaint is ~~[significantly]~~ severe ~~[and]~~ or pervasive

such that ~~[impeachment]~~ removal from office is an appropriate remedy. In addition to any monetary penalties, the Commission may impose upon the local elected officer any other reasonable sanction, including, without limitation, a requirement to complete a course or training related to the unlawful employment practice of discrimination.

~~[2. The Commission may present an accusation to the grand jury of a county pursuant to NRS 283.300 only if the Commission determines after a hearing held pursuant to subsection 3 of NRS 233.170 that a district, county, township or municipal officer has engaged in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., and that the discriminatory practice that forms the basis of such an accusation is significantly severe and pervasive such that removal from office is an appropriate remedy.]~~

3. Any ~~[damages assessed against an]~~ fine or penalty required to be paid by a local elected ~~[official or a district, county, township or municipal]~~ officer ~~[pursuant to this chapter]~~ because such officer was determined to have engaged in an unlawful employment practice of discrimination pursuant to subsection 2 must be assessed against such ~~[official or]~~ officer in his or her personal capacity, and may not be paid with public money or contributions received pursuant to chapter 294A of NRS. Except for a fine or a penalty, no damages may be assessed against the local elected officer in his or her personal capacity.

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

~~(a) "District, county, township or municipal officer" does not include:~~

~~(1) A justice or judge of the court system; and~~

~~(2) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.~~

~~(b) "Elected official"]~~ , "local elected officer" means a person who ~~[was elected to an office which is subject to impeachment]~~ ~~[pursuant to Section 2 of Article 7 of the Nevada Constitution.]~~ holds a local government office to which the person was elected.

Sec. 2. ~~[NRS 283.350 is hereby amended to read as follows:~~

~~283.350 *1.* If the defendant objects to the legal sufficiency of the accusation, the objection shall be in writing. The objection need not be in any specific form. It is sufficient if it presents intelligibly the grounds of the objection.~~

~~2. An accusation of an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., made by the Nevada Equal Rights Commission pursuant to section 1 of this act is legally sufficient if a court determines that the discriminatory practice that forms the basis of such an accusation is significantly severe and pervasive such that removal of the defendant is an appropriate remedy.]~~
(Deleted by amendment.)

Sec. 2.5. **NRS 283.440 is hereby amended to read as follows:**

283.440 1. Any person who is now holding or who shall hereafter hold any office in this State and who refuses or neglects to perform any official act in the manner and form prescribed by law, or who is guilty of any malpractice or malfeasance in office, may be removed therefrom as hereinafter prescribed in this section, except that this section does not apply to:

(a) A justice or judge of the court system;

(b) A state officer removable from office only through impeachment pursuant to Article 7 of the Nevada Constitution; or

(c) A State Legislator removable from office only through expulsion by the State Legislator's own House pursuant to Section 6 of Article 4 of the Nevada Constitution.

2. Whenever a complaint in writing, duly verified by the oath of any complainant, is presented to the district court alleging that any officer within the jurisdiction of the court:

(a) Has been guilty of charging and collecting any illegal fees for services rendered or to be rendered in the officer's office;

(b) Has refused or neglected to perform the official duties pertaining to the officer's office as prescribed by law; or

(c) Has been guilty of any malpractice or malfeasance in office,

➥ the court shall cite the party charged to appear before it on a certain day, not more than 10 days or less than 5 days from the day when the complaint was presented. On that day, or some subsequent day not more than 20 days from that on which the complaint was presented, the court, in a summary manner, shall proceed to hear the complaint and evidence offered by the party complained of. If, on the hearing, it appears that the charge or charges of the complaint are sustained, the court shall enter a decree that the party complained of shall be deprived of the party's office.

3. The clerk of the court in which the proceedings are had, shall, within 3 days thereafter, transmit to the Governor or the board of county commissioners of the proper county, as the case may be, a copy of any decree or judgment declaring any officer deprived of any office under this section. The Governor or the board of county commissioners, as the case may be, shall appoint some person to fill the office until a successor shall be elected or appointed and qualified. The person so appointed shall give such bond as security as is prescribed by law and pertaining to the office.

4. If the judgment of the district court is against the officer complained of and an appeal is taken from the judgment so rendered, the officer so appealing shall not hold the office during the pendency of the appeal, but the office shall be filled as in case of a vacancy.

5. As used in this section, "malfeasance in office" includes, without limitation:

(a) Engaging in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 that is severe or pervasive such that removal from office is an appropriate remedy.

(b) Willfully failing to comply with any other sanction imposed upon a local elected officer pursuant to section 1 of this act.

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

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 825 to Assembly Bill No. 397.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment limits the bill's applicability to local elected officials; requires the Nevada Equal Rights Commission to present a complaint to the district court if the Commission determines in a public hearing that an unlawful employment practice has been committed; and specifies that any fine or penalty, not damages, must be paid by the local elected official in his or her personal capacity.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 427.

The following Senate amendment was read:

Amendment No. 675.

AN ACT relating to the Nevada System of Higher Education; requiring the waiver of the payment of registration fees and certain other fees assessed against students within the System who are veterans who have been awarded the Purple Heart; prohibiting the assessment of tuition charges against such students; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of registration and certain other fees to certain persons, such as members of the Nevada National Guard, the children and surviving spouses of such members who are killed in the line of duty and the spouse or children of a person who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces of the United States. (NRS 396.544, 396.5442, 396.5445) **Section 1** of this bill requires the Board of Regents to waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart to the extent that the fees exceed the amount of any federal educational benefits to which the veteran is entitled.

Existing law authorizes the Board of Regents to assess tuition charges for students at all campuses of the Nevada System of Higher Education who are not residents of Nevada. The tuition charges are in addition to registration fees and other fees assessed against students who are residents of this State. Existing law also prohibits the Board of Regents from assessing tuition charges against certain students, including certain veterans of the Armed Forces of the United States. (NRS 396.540) **Section 1.5** of this bill prohibits the Board of Regents from assessing tuition charges against veterans who have been awarded the Purple Heart.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart.

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal ~~[veterans']~~ ***educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal*** ~~[veterans']~~ ***educational benefits to which the student is entitled for that semester; or***

(b) If the student is not entitled to receive any federal educational benefits for ~~[veterans for]~~ ***a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.***

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this section, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart than the waiver provided pursuant to this section if required for the receipt of federal money.

Sec. 1.5. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student enrolled at an institution of the System if such students maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(9);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge; ~~[and]~~

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged within the 5 years immediately preceding the date of matriculation of the veteran at a university, state college or community college within the System ~~[.]~~ ***; and***

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States who were honorably discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

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

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 675 to Assembly Bill No. 427.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment clarifies that all federal benefits, in addition to veteran benefits, must be exhausted before the Nevada System of Higher Education waives any fees.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 78.

The following Senate amendment was read:

Amendment No. 706.

AN ACT relating to education; revising provisions governing the operations of the State Public Charter School Authority; abolishing the Achievement School District; requiring an existing achievement charter school to convert to a charter school under the sponsorship of the State Public Charter School Authority or cease operations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Public Charter School Authority or a school district or college or university within the Nevada System of Higher Education that is approved by the Department of Education to sponsor a charter school. (NRS 388A.220) Existing law requires the Department to adopt regulations, including: (1) the process for the Department to conduct a comprehensive review of sponsors of charter schools every 3 years; and (2) the process for the Department to determine whether to continue or to revoke the authorization of a sponsor to sponsor charter schools. (NRS 388A.105) Existing regulations provide that in conducting a comprehensive review of each sponsor of a charter school to determine whether to continue or revoke the authorization of a sponsor to sponsor charter schools, the Department will: (1) review the annual reports required to be submitted; (2) determine whether the sponsor has complied with applicable state laws; and (3) determine whether the sponsor is authorized to sponsor charter schools. (NAC 388A.205)

Section 25 of this bill: (1) codifies into statute these requirements from regulation; and (2) requires the Department to adopt regulations prescribing the criteria to be used in determining whether to continue or revoke the authorization of the sponsor to sponsor charter schools. **Section 33.6** of this bill makes a conforming change.

Existing law creates the State Public Charter School Authority and prescribes the membership of the Authority. (NRS 388A.150, 388A.153) **Section 34** of this bill revises the membership of the Authority to include two members appointed by the State Board of Education. **Section 34.5** of this bill makes a conforming change, and **section 80.73** of this bill provides for the appointment and initial terms of the new members. Existing law deems the State Public Charter School Authority a local educational agency for limited purposes. (NRS 388A.159) **Section 35** of this bill deems the Authority to be a local educational agency for all purposes. ~~**[**Section 39 of this bill requires the Authority to adopt any regulations to carry out provisions relating to charter schools.**]**~~

Existing law governs the manner in which applications for enrollment are submitted to the governing body of a charter school and requires a charter school to enroll pupils under certain circumstances. Existing law also authorizes a charter school to transfer a pupil to an appropriate school if the charter school determines it is unable to provide an appropriate special education program and services to such a pupil. (NRS 388A.453) **Section 60** of this bill requires a charter school to immediately enroll certain pupils. Additionally, **section 60** removes the authorization for a charter school to transfer a pupil if the charter school determines it is unable to provide an appropriate special education program and services to a pupil, as **section 35** requires the State Public Charter School Authority, as the local educational agency, to provide such a program and services.

Existing law requires each sponsor of a charter school to submit a written report to the Department on or before October 1 of each year. (NRS 388A.351) **Section 59.5** of this bill revises that date to on or before February 15 of each year. Additionally, **section 59.5** requires the report to: (1) be submitted on a form created by the Department; (2) be submitted to the State Board of Education on or before April 1 of each year; and (3) be reviewed by the State Board.

Assembly Bill No. 448 of the 2015 Legislative Session established the Achievement School District within the Department of Education, authorized the conversion of certain public schools to achievement charter schools and made various other changes relating to such schools. (Chapter 539, Statutes of Nevada 2015, p. 3775; NRS 388B.010-388B.450) **Sections 1-24.9, 32-33.4, 47 and 80.1-80.65** of this bill repeal the statutory provisions added by that bill and make other conforming changes. **Section 80.75** of this bill ~~**[**requires**]**~~ **deems any achievement charter school and any application to operate an achievement charter school to be approved by** the State Public Charter

School Authority ~~[to administer each existing contract]~~ to operate ~~[an achievement]~~ **a** charter school **.** ~~[, beginning on the effective date of this bill.]~~

Section 80.75 also requires ~~[the governing body of an achievement charter school to enter into]~~ a charter contract **to be entered into** with the State Public Charter School Authority ~~[and]~~ **to** operate under existing law governing charter schools by July 1, 2020. If ~~[an achievement charter school does not enter into]~~ such a charter contract ~~[,]~~ **is not entered into by that date, section 80.75** provides that ~~[the]~~ **any** contract to operate the achievement charter school becomes void **,** ~~[on that date,]~~ thereby requiring the achievement charter school to cease operations.

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

Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The State Board shall, and the State Public Charter School Authority, ~~[the Achievement School District,]~~ each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 1.2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. ~~[“Achievement charter school” means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.]~~ ***“Charter school” means a public school that is formed pursuant to the provisions of chapter 388A of NRS.***

2. “Department” means the Department of Education.

3. “English learner” has the meaning ascribed to it in 20 U.S.C. § 7801(20).

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

5. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

6. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. "State Board" means the State Board of Education.

10. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 1.4. NRS 385.111 is hereby amended to read as follows:

385.111 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391A.130, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120;

(5) The Legislative Bureau of Educational Accountability and Program Evaluation; and

(6) Other persons who the State Board determines are appropriate.

2. On or before March 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation;

(d) Board of Regents of the University of Nevada;

(e) Board of trustees of each school district; ***and***

(f) Governing body of each charter school ***.*** ~~[; and]~~

~~[(g) Executive Director of the Achievement School District.]~~

Sec. 1.6. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority ~~[, the Achievement School District]~~ and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are English learners;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635; and

10. On or before February 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature in odd-numbered years and to the Legislative Commission in even-numbered years,

describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 2. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority ~~[, the Achievement School District]~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority ~~[, Achievement School District]~~ or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority ~~[, the Achievement School District]~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority ~~[, Achievement School District]~~ and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant

to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 3. (Deleted by amendment.)

Sec. 3.2. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority ~~[, the Achievement School District]~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority ~~[, the Achievement School District]~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Office of Finance;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

Sec. 3.4. NRS 385A.090 is hereby amended to read as follows:

385A.090 1. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority ~~[, the Achievement School District]~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority ~~[, Achievement School District]~~

or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority [~~, the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority [~~, the Achievement School District~~] or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority [~~, the Achievement School District~~] or the institution does not maintain a website, the State Public Charter School Authority [~~, the Achievement School District~~] or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority [~~, the Achievement School District~~] or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

Sec. 3.6. NRS 385A.240 is hereby amended to read as follows:

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

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

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

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

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

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

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

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

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

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

2. On or before September 30 of each year:

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

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

Sec. 4. NRS 385A.400 is hereby amended to read as follows:

385A.400 1. The State Board shall, on or before January 15 of each year, prepare for the immediately preceding school year a single annual report of accountability that includes, without limitation**,** the information prescribed by NRS 385A.400 to 385A.520, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.400 to 385A.520, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Be prepared in a concise manner; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before January 15 of each year, the State Board shall provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department.

5. Upon the request of the Governor, the Attorney General, the Committee, the Bureau, the Board of Regents of the University of Nevada, the board of trustees of a school district, ***the State Public Charter School Authority, a college or university within the Nevada System of Higher Education,*** the governing body of a charter school, [~~the Executive Director of the Achievement School District~~] or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 24.1. NRS 385A.670 is hereby amended to read as follows:

385A.670 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the school achievement

targets and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority ~~[, the Achievement School District]~~ or a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority ~~[, the Achievement School District]~~ or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) ~~[,]~~ ***or*** (c) ***,*** ~~[or (d),]~~ the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) ~~[The determination made for the charter school to the Achievement School District if the charter school is sponsored by the Achievement School District.~~
~~— (d)]~~ The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 24.2. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority ~~[, the Achievement School District]~~ or a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority ~~[, all charter schools sponsored by the Achievement School District]~~ and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority ~~[, the Achievement School District]~~ or a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State.

Sec. 24.3. NRS 387.067 is hereby amended to read as follows:

387.067 1. The State Board may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts or the charter schools of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

3. The State Board, any school district within this State ~~[, the Achievement School District]~~ and any governing body of any charter school in this State

may, within the limits provided in this section, make such applications, agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. Such an agreement or assurance must not require this State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 24.4. NRS 387.080 is hereby amended to read as follows:

387.080 1. The Director may enter into agreements with any agency of the Federal Government, the Department, the State Board, ~~[the Achievement School District,]~~ any board of trustees of a school district, any governing body of a charter school or any other entity or person. The Director may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Director pursuant to regulations or policies of the State Department of Agriculture.

3. The Director may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 24.5. NRS 387.090 is hereby amended to read as follows:

387.090 Except as otherwise provided in NRS 387.114 to 387.1175, inclusive, the board of trustees of each school district ~~[, the Executive Director of the Achievement School District]~~ and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.068 to 387.1175, inclusive, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 24.6. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474 ~~[,]~~ ***or*** subsection 1 of NRS 392.074 ~~[, or subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter~~

~~school,]~~ based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(b) Adding the amounts computed in paragraph (a).

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the quarterly apportionments from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 24.7. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 ~~[,]~~ ***and*** pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474 **.** ~~[and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.]~~

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 24.75. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the State Board. The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the State Board.

5. A charter school is a public school that is formed pursuant to the provisions of chapter 388A of NRS **.** ~~[or an achievement charter school that is formed pursuant to chapter 388B of NRS.]~~

6. A university school for profoundly gifted pupils is a public school established pursuant to chapter 388C of NRS.

Sec. 24.8. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts and charter schools in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385A.310 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority ~~[, the Achievement School District]~~ and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,
➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 24.9. NRS 388.880 is hereby amended to read as follows:

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

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

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

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

3. As used in this section:

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

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

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

(2) The governing body of a charter school *.* **[**~~; or~~

~~(3) The Achievement School District.~~**]**

(c) "School official" means:

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

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

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

[~~(4) The Executive Director of the Achievement School District.~~**]**

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

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

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

Sec. 25. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

1. At least once every 3 years, the Department shall conduct a comprehensive review of each sponsor of a charter school that the Department has approved for sponsorship pursuant to NRS 388A.220.

2. In conducting a comprehensive review of a sponsor, the Department shall:

(a) Review the annual reports submitted to the Department by the sponsor pursuant to NRS 388A.351;

(b) Determine whether the sponsor has complied with all applicable statutes and regulations; and

(c) Determine whether the sponsor applies nationally recognized best practices, as described in regulation by the Department, in carrying out its duties as a sponsor.

3. The Department may obtain the assistance of any entity or person the Department deems necessary or appropriate to carry out the review.

4. After completing the comprehensive review, the Department shall determine whether to continue or revoke the authorization of a sponsor to sponsor charter schools.

5. The Department shall adopt by regulation the criteria to apply when determining whether to continue or revoke the authorization of a sponsor to charter schools pursuant to subsection 4.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 388A.030 is hereby amended to read as follows:

388A.030 "Educational management organization" means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools **.** **[**~~and achievement charter schools.~~**]**

Sec. 33. (Deleted by amendment.)

Sec. 33.2. NRS 388A.075 is hereby amended to read as follows:

388A.075 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. **[**~~Except as otherwise provided in NRS 388B.290, the~~**]** ***The*** conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of this chapter.

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 1 of NRS 388A.471 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 33.4. NRS 388A.080 is hereby amended to read as follows:

388A.080 The provisions of this chapter do not authorize an existing public school, homeschool or other program of home study to convert to a charter school **.** **[**~~except as otherwise provided in NRS 388B.290.~~**]**

Sec. 33.6. NRS 388A.105 is hereby amended to read as follows:

388A.105 The Department shall adopt regulations that prescribe:

1. The process for submission of an application pursuant to NRS 388A.220 by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

2. **[**~~The process for the Department to conduct a comprehensive review of the sponsors of charter schools that it has approved for sponsorship pursuant to NRS 388A.220 at least once every 3 years;~~

~~3. The process for the Department to determine whether to continue or to revoke the authorization of a board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor charter schools;~~

~~4.~~**]** The process for submission of an application to form a charter school to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;

[5.] ***3.*** The process for submission of an application to renew a charter contract to the board of trustees of a school district and a college or university within the Nevada System of Higher Education, and the contents of the application;

[6.] ***4.*** The criteria and type of investigation that must be applied by the board of trustees of a school district and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a written charter or a charter contract;

[7.] ***5.*** The process for submission of an amendment of a written charter or a charter contract to the board of trustees of a school district and a college or university within the Nevada System of Higher Education pursuant to NRS 388A.276 and the contents of the application; and

[8.] ***6.*** In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(a) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(b) Ethics requirements for the governing bodies of charter schools.

Sec. 34. NRS 388A.153 is hereby amended to read as follows:

388A.153 1. The State Public Charter School Authority consists of [seven] ***nine*** members. The membership of the State Public Charter School Authority consists of:

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; [and]

(d) ***Two members appointed by the State Board of Education; and***

(e) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate ***,*** [and] the Speaker of the Assembly ***and the State Board of Education*** shall ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;
(5) Educational technology; and
(6) The laws and regulations applicable to charter schools;

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State; and

(e) Insofar as practicable, consists of persons who are experts on best practices for authorizing charter schools and developing and operating high-quality charter schools and charter management organizations.

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. Except as otherwise provided in subsection 5, a member of the State Public Charter School Authority must not be actively engaged in business with or hold a direct pecuniary interest relating to charter schools, including, without limitation, serving as a vendor, contractor, employee, officer, director or member of the governing body of a charter school, educational management organization or charter management organization.

5. Not more than two members of the State Public Charter School Authority may be teachers or administrators who are employed by a charter school or charter management organization in this State. For a teacher or administrator employed by a charter school or charter management organization to be eligible to serve as a member of the State Public Charter School Authority, the charter school or charter management organization which employs the teacher or administrator must not have ever received an annual rating established as one of the three lowest ratings of performance pursuant to the statewide system of accountability for public schools.

6. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

7. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

8. Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than $80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged

in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 34.5. NRS 388A.156 is hereby amended to read as follows:

388A.156 1. The members of the State Public Charter School Authority shall meet throughout the year at the times and places specified by a call of the Chair or a majority of the members.

2. ~~[Four]~~ ***Five*** members of the State Public Charter School Authority constitute a quorum, and a quorum may exercise all the power and authority conferred on the State Public Charter School Authority.

Sec. 35. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. Except as otherwise provided in NRS 388A.161, the State Public Charter School Authority is hereby deemed a local educational agency for ~~[the purpose of directing]~~ ***all purposes, including, without limitation:***

(a) The provision of a free and appropriate public education to each pupil enrolled in a charter school sponsored by the State Public Charter School Authority;

(b) The provision of special education and related services provided by a charter school sponsored by the State Public Charter School Authority; and

(c) Directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money.

2. A college or university within the Nevada System of Higher Education that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational agency. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

~~[2.]~~ ***3.*** As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. ~~[NRS 388A.168 is hereby amended to read as follows:~~

~~388A.168 The State Public Charter School Authority shall adopt *such* regulations [that prescribe:~~

~~1. The process for submission to the State Public Charter School Authority of an application to form a charter school, and the contents of such an application;~~

~~2. The process for submission to the State Public Charter School Authority of an application to renew a charter contract, and the contents of such an application;~~

~~3. The process for submission to the State Public Charter School Authority of an amendment to a written charter or charter contract pursuant to NRS 388A.276 and the contents of the application;~~

~~4. The procedure for the investigation that the State Public Charter School Authority will conduct of an application to form a charter school, an application to renew a charter contract or an application to request an amendment of a written charter or charter contract, and the criteria that the State Public Charter School Authority will use to evaluate such applications;~~

~~5. The process for evaluating the overall performance of a teacher, which must include, without limitation, the criteria for determining whether the overall performance of a teacher is ineffective, developing, effective or highly effective; and~~

~~6. The qualifications for employment as a paraprofessional by a charter school.]~~ ~~***as it deems necessary to carry out the provisions of this chapter.]***~~ **(Deleted by amendment.)**

Sec. 40. (Deleted by amendment.)

Sec. 41. (Deleted by amendment.)

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. **[**~~Except as otherwise provided in NRS 388B.290, if~~**]** ***If*** an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school.

4. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 59.5. NRS 388A.351 is hereby amended to read as follows:

388A.351 ***1.*** On or before [~~October 1~~] ***February 15*** of each year, the sponsor of a charter school shall submit a written report to the Department [~~.~~] ***on a form prescribed by the Department.*** The written report must include:

[~~1.~~] ***(a)*** For each charter school that it sponsors with a written charter, an evaluation of the progress of each such charter school in achieving the educational goals and objectives of the written charter.

[~~2.~~] ***(b)*** For each charter school that it sponsors with a charter contract, a summary evaluating the academic, financial and organizational performance

of the charter school, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school.

~~[3.]~~ ***(c)*** An identification of each charter school approved by the sponsor:

~~[(a)]~~ ***(1)*** Which has not opened and the scheduled time for opening, if any;

~~[(b)]~~ ***(2)*** Which is open and in operation;

~~[(c)]~~ ***(3)*** Which has transferred sponsorship;

~~[(d)]~~ ***(4)*** Whose written charter has been revoked or whose charter contract has been terminated by the sponsor;

~~[(e)]~~ ***(5)*** Whose charter contract has not been renewed by the sponsor; and

~~[(f)]~~ ***(6)*** Which has voluntarily ceased operation.

~~[4.]~~ ***(d)*** A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

~~[5.]~~ ***(e)*** A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to NRS 388A.381, including an itemized accounting of the actual costs of those services.

~~[6.]~~ ***(f)*** The amount of any money from the Federal Government that was distributed to the charter school, any concerns regarding the equity of such distributions and any recommendations on how to improve access to and distribution of money from the Federal Government.

2. On or before April 1 of each year, the Department shall submit to the State Board the report required pursuant to this section, to be reviewed by the State Board.

Sec. 60. NRS 388A.453 is hereby amended to read as follows:

388A.453 1. An application for enrollment in a charter school may be submitted annually to the governing body of the charter school by the parent or legal guardian of any child who resides in this State.

2. Except as otherwise provided in subsections 1 to 5, inclusive, NRS 388A.336 ***,*** ~~[and]~~ subsections 1 and 2 of NRS 388A.456, ***and any applicable federal law, including, without limitation, 42 U.S.C. §§ 11301 et seq.,*** a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received.

3. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.

4. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.

5. Except as otherwise provided in subsections 1 and 2 of NRS 388A.456, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on the basis of a lottery system.

6. Except as otherwise provided in subsection ~~[9,]~~ ***8,*** a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the:

(a) Race;

(b) Gender;

(c) Religion;

(d) Ethnicity;

(e) Disability;

(f) Sexual orientation; or

(g) Gender identity or expression,

➥ of a pupil.

7. A lottery held pursuant to subsection 5 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

8. ~~[If the governing body of a charter school determines that the charter school is unable to provide an appropriate special education program and related services for a particular disability of a pupil who is enrolled in the charter school, the governing body may request that the board of trustees of the school district of the county in which the pupil resides transfer that pupil to an appropriate school.~~

~~9.]~~ This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:

(a) With disabilities;

(b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or

(c) Who are at risk or, for a charter school that is eligible to be rated using the alternative performance framework pursuant to subsection 4 of NRS 385A.740, who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3 of NRS 385A.740.

➥ If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.

Sec. 61. (Deleted by amendment.)

Sec. 62. (Deleted by amendment.)

Sec. 63. (Deleted by amendment.)

Sec. 64. (Deleted by amendment.)

Sec. 65. (Deleted by amendment.)
Sec. 66. (Deleted by amendment.)
Sec. 67. (Deleted by amendment.)
Sec. 68. (Deleted by amendment.)
Sec. 69. (Deleted by amendment.)
Sec. 70. (Deleted by amendment.)
Sec. 71. (Deleted by amendment.)
Sec. 72. (Deleted by amendment.)
Sec. 73. (Deleted by amendment.)
Sec. 74. (Deleted by amendment.)
Sec. 75. (Deleted by amendment.)
Sec. 76. (Deleted by amendment.)
Sec. 77. (Deleted by amendment.)
Sec. 78. (Deleted by amendment.)
Sec. 79. (Deleted by amendment.)
Sec. 80. (Deleted by amendment.)
Sec. 80.1. NRS 388G.050 is hereby amended to read as follows:

388G.050 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils **.** ~~[or an achievement charter school.]~~

2. The board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more but less than 700,000 shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;

(b) The superintendent of the school district, or the superintendent's designee;

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

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 80.15. NRS 390.265 is hereby amended to read as follows:

390.265 "School official" means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district ~~[,]~~ ***or*** the governing body of a charter school ***.*** ~~[or the Achievement School District.]~~

Sec. 80.2. NRS 390.270 is hereby amended to read as follows:

390.270 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, ~~[Achievement School District,]~~ charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, ~~[Achievement School District,]~~ charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 390.295.

3. The Department shall post a copy of the plan adopted pursuant to this section and the procedures set forth therein on the Internet website maintained by the Department.

Sec. 80.25. NRS 390.380 is hereby amended to read as follows:

390.380 "School official" means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district **[,]** ***or*** the governing body of a charter school . ~~[or the Achievement School District.]~~

Sec. 80.3. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness, accident or motor vehicle crash, or because of serious illness, accident, motor vehicle crash or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated

agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 388A.533 ***,*** ~~[or 388B.400 to 388B.450, inclusive,]~~

➥ the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 80.35. NRS 392.128 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

Sec. 80.4. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term "political subdivision" includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, an irrigation district, a school district, ~~[the Achievement School District,]~~ the governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.

Sec. 80.45. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections 6 and ~~[10,]~~ ***9,*** discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections 7 ~~[,]~~ ***and*** 9 ***,*** ~~[and 10,]~~ the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

➥ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the

most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. ~~[The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.~~

~~10.]~~ The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

~~[11.]~~ ***10.*** This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~[12.]~~ ***11.*** Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~[13.]~~ ***12.*** As used in this section ~~[:~~

~~(a) "Abuse~~**]** ***, "abuse*** or neglect of a child" has the meaning ascribed to it in NRS 392.281.

[~~(b) "Achievement charter school" has the meaning ascribed to it in NRS 385.007.~~**]**

Sec. 80.5. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to any other school district in this State **[**~~, to the Achievement School District~~**]** or to a charter school that is located within the school district without regard to:

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

(1) The posting of notice or public advertising.

(2) The inviting or receiving of competitive bids.

(3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 80.55. NRS 361.065 is hereby amended to read as follows:

361.065 All lots, buildings and other school property owned by any legally created school district **[**~~, the Achievement School District~~**]** or a charter school within the State and devoted to public school purposes are exempt from taxation.

Sec. 80.6. Chapter 656A of NRS is hereby amended by adding thereto a new section to read as follows:

"Charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 80.65. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 656A.025 to 656A.065, inclusive, ***and section 80.6 of this act*** have the meanings ascribed to them in those sections.

Sec. 80.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 80.73. As soon as practicable after the effective date of this act but not later than **[**~~July~~**]** **October** 1, 2019, the State Board of Education shall appoint to the State Public Charter School Authority pursuant to NRS 388A.153, as amended by section 34 of this act:

1. One member to a term that expires June 30, 2021; and
2. One member to a term that expires June 30, 2022.

Sec. 80.75. 1. On the effective date of this act, ~~[the governing body of an]~~ **any** achievement charter school **and any application to operate an achievement charter school pursuant to NRS 388B.200 that has been approved** shall be deemed to be approved by the State Public Charter School Authority to operate **as** a charter school sponsored by the State Public Charter School Authority.

2. As soon as possible after the effective date of this act ~~[, the governing body of an achievement charter school shall enter into]~~ a charter contract pursuant to NRS 388A.270 **must be entered into** with the State Public Charter School Authority ~~[.]~~ **for each school described in subsection 1 to operate as a charter school.** Upon the execution of such a **charter** contract, the school shall be deemed a charter school for all purposes and is subject to the provisions of chapter 388A of NRS. A contract to operate ~~[the]~~ **an** achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210 before the effective date of this act is void on the date on which the charter contract is executed or on July 1, 2020, whichever occurs sooner.

3. Until a charter contract is entered into pursuant to subsection 2 or the contract to operate an achievement charter school is void pursuant to subsection 2, the State Public Charter Authority shall be deemed the sponsor of the achievement charter school and shall assume the duties prescribed for the Executive Director of the Achievement School District in any contract to operate the achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210, as that section existed before the effective date of this act.

4. As used in this section:

(a) “Achievement charter school” has the meaning ascribed to it in NRS 385.007, as that section existed before the effective date of this act.

(b) “Charter school” has the meaning ascribed to it in NRS 385.007, as amended by section 1.2 of this act.

Sec. 80.8. Notwithstanding the selection of any school before the effective date of this act for conversion to an achievement charter school pursuant to NRS 388B.200 beginning with the 2020-2021 school year, no action may be taken on or after the effective date of this act to complete the conversion or operate the school as an achievement charter school and any contract entered into to operate the school as an achievement charter school is void.

Sec. 80.85. 1. Any regulations adopted by the Department of Education pursuant to NRS 388B.060 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are

transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 80.9. NRS 0.0302, 0.0307, 388A.025, 388B.010, 388B.020, 388B.030, 388B.040, 388B.050, 388B.060, 388B.100, 388B.110, 388B.120, 388B.200, 388B.210, 388B.220, 388B.230, 388B.240, 388B.250, 388B.260, 388B.270, 388B.280, 388B.290, 388B.400, 388B.410, 388B.420, 388B.430, 388B.440 and 388B.450 are hereby repealed.

Sec. 81. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

0.0302 "Achievement School District" defined.

0.0307 "Charter school" defined.

388A.025 "Charter school" defined.

388B.010 Definitions.

388B.020 "Charter management organization" defined.

388B.030 "Educational management organization" defined.

388B.040 "Executive Director" defined.

388B.050 "Public school" defined.

388B.060 Regulations.

388B.100 Creation; employees.

388B.110 Executive Director: Appointment; powers and duties.

388B.120 Account for the Achievement School District: Creation; administration; use; deposit of gifts, grants and bequests; claims.

388B.200 Conversion to achievement charter school: Eligibility; approval by State Board; selection of school; notification to school.

388B.210 Duties of Executive Director concerning conversion of school to achievement charter school; regulations that prescribe process to apply to operate achievement charter school; approval of application to operate more than one achievement charter school.

388B.220 Sponsor; appointment of governing body; Executive Director authorized to terminate contract to operate achievement charter school before expiration of contract.

388B.230 Selection and duties of principal; retention and reassignment of employees; requirement to operate in same building; building costs and expenses; capital projects; enrollment requirement; limitation on loans, advances and other monetary charges.

388B.240 Achievement charter school deemed local educational agency; Department to pay special education program units to eligible achievement charter school.

388B.250 Applicability of charter school provisions to achievement charter schools; waiver of certain requirements concerning operation.

388B.260 Board of trustees to provide services and facilities upon request of Executive Director; donation of surplus property of school district; authorization to acquire or purchase buildings, structures or property and engage in certain financial transactions.

388B.270 Application for money for facilities; certain achievement charter schools required to submit quarterly report of financial status.

388B.280 Participation by pupils in class or activity of school district in which pupil resides; revocation of approval to participate.

388B.290 Evaluation of achievement charter school during sixth year of operation; actions taken based upon results of evaluation; actions required if school that has not made adequate progress continues to operate as achievement school district; conversion to public school or charter school.

388B.400 Leave of absence from school district to accept or continue employment with achievement charter school; return of licensed employee to school district.

388B.410 Employees deemed to be public employees; terms and conditions of employment; transfer of employment records with school district to governing body.

388B.420 Reassignment of licensed employees upon termination of contract or cessation of operation as achievement charter school.

388B.430 Governing body to transmit employment record to school district upon request of board of trustees; investigation into misconduct during leave of absence.

388B.440 Eligibility for benefits of licensed employee on leave of absence; effect of leave of absence; eligibility of employee of achievement charter school for benefits.

388B.450 Determination of appropriate level of contribution toward retirement benefits; participation in plan of group insurance offered to employees of school district.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 706 to Assembly Bill No. 78.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment revises the date required for initial appointments to the Board from July 1, 2019, to October 1, 2019; removes section 39 from the bill, leaving the regulatory authority unchanged; and clarifies section 80.75 to ensure that the section applies to any achievement charter school that is approved before the effective date of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 261.

The following Senate amendment was read:

Amendment No. 708.

AN ACT relating to education; requiring the reporting of certain information concerning training for certain educational personnel in personal safety of children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education, in consultation with persons and organizations who possess knowledge and expertise in the personal safety of children, to develop age-appropriate curriculum standards for teaching personal safety of children. (NRS 389.031) Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that instruction on the personal safety of children is carried out as part of a course of study in health and based on the standards developed by the Department. (NRS 389.064) This bill requires the board of trustees of each school district and the governing body of each charter school to submit to the Department of Education certain information concerning the personal safety of children which includes: (1) training for teachers and administrators in the personal safety of children; and (2) incidents of child abuse or sexual abuse of a child. This bill also requires the Department to compile such information and submit a report to the Legislative Committee on Education.

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

Section 1. (Deleted by amendment.)
Sec. 2. (Deleted by amendment.)
Sec. 3. (Deleted by amendment.)
Sec. 4. (Deleted by amendment.)
Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 9.3. 1. The board of trustees of each school district and the governing body of each charter school shall submit to the Department of Education a report concerning recognizing and reporting child abuse, including child sexual abuse:

(a) With information from the 2019-2020 school year, on or before August 1, 2020; and

(b) With information from the 2020-2021 school year, on or before August 1, 2021.

2. Each report submitted pursuant to subsection 1 must contain information concerning:

(a) Training provided during the previous school year to teachers and administrators employed by the school district concerning the personal safety of children, including, without limitation:

(1) The amount of time that teachers and administrators received in such training;

(2) The number of administrators who received such training;

(3) The number of teachers who received such training; and

(4) A description of the content of the training; and

(b) The number of incidents of abuse or sexual abuse of a child disclosed or reported to a law enforcement agency.

3. The Department shall compile a report of the information received pursuant to subsection 2 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education:

(a) From the 2019-2020 school year, on or before ~~[August]~~ **September** 1, 2020; and

(b) From the 2020-2021 school year on or before ~~[August]~~ **September** 1, 2021.

4. As used in this section, "personal safety of children" means an age-appropriate recognition of various hazards and dangers that are particular to children, including, without limitation, the danger associated with unsafe persons, both known and unknown to the child, abuse, sexual abuse or exploitation, becoming lost or separated from a parent or guardian, and an awareness of age-appropriate steps a child may take to avoid, lessen or alleviate those hazards and dangers, including, without limitation, reporting threats of harm to a responsible adult.

Sec. 9.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provisions of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 10. This act becomes effective on July 1, 2019.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 708 to Assembly Bill No. 261.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment changes the dates relating to the submission of the report by Nevada's Department of Education to the Legislative Committee on Education from August 1, 2020, to September 1, 2020.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 462.

The following Senate amendment was read:

Amendment No. 711.

AN ACT relating to education; requiring the State Public Charter School Authority to establish a plan to manage the growth of charter schools; requiring sponsors of charter schools to provide notice to the Department of Education and certain other sponsors of certain actions relating to opening or expanding a charter school; revising provisions governing the duties of a sponsor of a charter school; revising provisions governing evaluations conducted by sponsors of charter schools; ~~[revising provisions governing the duties of sponsors of charter schools;]~~ requiring certain reports to be submitted to the

Legislative Committee on Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education that has been approved to sponsor a charter school or the State Public Charter School Authority to approve an application to form a charter school and enter into a charter contract with the governing body of the charter school. (NRS 388A.252, 388A.270) **Section 3** of this bill requires the State Public Charter School Authority to establish a plan to manage the growth of charter schools in this State which sets forth the status of existing charter schools and a 5-year projection of anticipated growth in the number of charter schools. The plan must be reviewed and revised as necessary biennially. **Section 7** of this bill requires the initial plan to be completed and submitted to the Legislative Committee on Education **and the Department of Education** by not later than January 1, 2020. **Section 4** of this bill requires the sponsor of a charter school to provide written notice to the Department ~~[of Education]~~ and, if the sponsor is not a school district, to the board of trustees of the school district where a charter school is located or proposed to be located, as applicable, when the sponsor receives notice of certain actions that may be taken or takes certain actions to open or expand a charter school.

Existing law requires the sponsor of a charter school to evaluate academic needs of pupils in the geographic areas served by the sponsor before soliciting applications to form a charter school. (NRS 388A.220) **Section 5** of this bill ~~[requires additional]~~ **instead requires: (1) the State Public Charter School Authority to conduct such an evaluation annually for the State; and (2) other sponsors of charter schools to conduct such an evaluation before approving an application to form a charter school. Section 5 also requires such an evaluation to include** consideration ~~[to]~~ **of** demographic information and the needs of any pupils who are at high risk of dropping out of school **.** ~~[in those areas before soliciting applications. In addition, section 5 requires the sponsor of a charter school to conduct such an evaluation each year after a charter school it sponsors.]~~ **Section 9** of this bill requires ~~[each sponsor of a charter school]~~ **the State Public Charter School Authority** to conduct ~~[that]~~ **the first** evaluation ~~[for the charter schools it sponsors]~~ by not later than ~~[January 1, 2020.]~~ **July 30, 2019. Before approving an application to form a charter school, section 6.3 of this bill requires the proposed sponsor of the charter school to determine that the proposed charter school will address one or more needs identified in the applicable geographic evaluation and that it has received sufficient public input. If the proposed sponsor is the State Public Charter School Authority or a college or university within the Nevada System of Higher Education, section 6.3 requires the proposed sponsor in renewing the application to form a charter school, to solicit input from the board of trustees of the school**

district in which the proposed charter school will be located. Sections 6.6 and 6.9 of this bill make conforming changes.

Existing law requires the sponsor of a charter school to carry out certain responsibilities. (NRS 388A.223) **Section 6** of this bill adds the duty to conduct site evaluations of each campus of a charter school that it sponsors during the first, third and fifth years after entering into or renewing a charter contract. **Section 8** **of this bill** requires the initial site evaluation to be completed and a report submitted by each sponsor of a charter school to the Legislative Committee on Education by not later than June 30, 2020.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. The State Public Charter School Authority shall establish a plan to manage the growth of charter schools in this State. The plan must set forth the status of existing charter schools and a 5-year projection of anticipated growth in the number of charter schools.***

2. To develop the plan pursuant to subsection 1, the Authority shall determine the projected number of:

(a) New charter schools that the Authority will approve;

(b) Additional campuses of charter schools that the Authority will approve;

(c) Charter schools that will expand the grade levels offered at the charter schools or will otherwise increase enrollment of pupils at the charter schools; and

(d) Charter schools whose charter contracts will expire and the likelihood that the charter contracts will be renewed;

3. In addition to the information described in subsection 2, to develop the plan pursuant to subsection 1, the Authority shall consider:

(a) Information relating to pupils included in the statewide system of accountability for public schools, including, without limitation, information relating to specific groups and subgroups of pupils;

(b) Information relating to the academic needs of pupils in the various geographic areas of the State; and

(c) Any other information the Authority deems necessary to determine whether increasing the number of charter schools or expanding the campuses of existing charter schools will best serve the pupils of this State.

4. The Authority , ~~***[shall collaborate with]***~~ ***the Department and each board of trustees of a school district in this State*** shall collaborate ***in developing the plan pursuant to subsection 1.***

5. The Authority shall review the plan at least biennially and revise the plan as necessary.

Sec. 4. ***1. The sponsor of a charter school shall provide written notice to the Department and, if the sponsor is not a school district, to the board of trustees of a school district in which a charter school is located or proposed to be located, as applicable, within 45 days from the date on which the sponsor:***

(a) Receives notice of intent to submit an application to operate a charter school;

(b) Receives an application to operate a charter school;

(c) Receives a request to amend the charter contract of a charter school pursuant to NRS 388A.279; and

(d) Approves an application to operate a charter school or a request to amend the charter contract of a charter school.

2. The written notice must include, to the extent applicable:

(a) The location or proposed location of the charter school, as applicable, and the geographic area served or to be served by the charter school;

(b) The grade levels to be served by the charter school;

(c) The estimated number of pupils to be enrolled at the charter school; and

(d) The proposed date and year to open the charter school or amend the charter contract, as applicable.

Sec. 5. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. The board of trustees of a school district or a college or university within the Nevada System of Higher Education may enter into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning

and executing the duties of a sponsor of a charter school as prescribed in this section.

5. Before [the State Public Charter School Authority or] a board of trustees of a school district or a college or university within the Nevada System of Higher Education that is approved to sponsor charter schools [begins soliciting applications] ***approves an application*** to form a charter school, the [State Public Charter School Authority,] board of trustees or college or university, as applicable, shall prepare, in collaboration with the Department and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of [the] ***demographic information of pupils, the*** academic needs of pupils ***and the needs of any pupils who are at risk of dropping out of school*** in ***the*** geographic areas served by the sponsor.

6. ***[After the initial evaluation, the sponsor of a charter school shall conduct the evaluation described in subsection 5 on or before January 1 each year for any charter school it sponsors.]*** ***On or before January 31 of each year, the State Public Charter School Authority shall prepare, in collaboration with the Department and, to the extent practicable, the board of trustees of each school district in this State and any other sponsor of a charter school in this State, an evaluation of demographic information of pupils, the academic needs of pupils and the needs of any pupils who are at risk of dropping out of school in this State.***

Sec. 6. NRS 388A.223 is hereby amended to read as follows:

388A.223 1. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 388A.249;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 388A.249;

(d) Negotiating, developing and executing charter contracts pursuant to NRS 388A.270;

(e) Monitoring, in accordance with this chapter and in accordance with the terms and conditions of the applicable charter contract, the performance and compliance of each charter school sponsored by the entity;

(f) Determining whether the charter contract of a charter school that the entity sponsors merits renewal or whether the renewal of the charter contract should be denied or whether the written charter should be revoked or the charter contract terminated or restarted, as applicable, in accordance with NRS 388A.285, 388A.300 or 388A.330, as applicable;

(g) Determining whether the governing body of a charter school should be reconstituted in accordance with NRS 388A.330; [and]

(h) Adopting a policy for appointing a new governing body of a charter school for which the governing body is reconstituted in accordance with NRS 388A.330 [.] ***; and***

(i) Conducting site evaluations of each campus of a charter school it sponsors during the first, third and fifth years after entering into or renewing a charter contract. Such evaluations must include, without limitation, evaluating pupil achievement and school performance at each campus of the charter school and identifying any deficiencies relating to pupil achievement and school performance. The sponsor shall develop a plan with the charter school to correct any such deficiencies. A sponsor may conduct a brief evaluation of a charter school in the third year if the charter school receives, in the immediately preceding year, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools.

2. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure and criteria for soliciting and evaluating charter school applications in accordance with NRS 388A.249, which must include, without limitation:

(1) Specific application procedures and timelines for committees to form a charter school that plan to enter into a contract with an educational management organization to operate the charter school, committees to form a charter school that do not plan to enter into such a contract and charter management organizations; and

(2) A description of the manner in which the sponsor will evaluate the previous performance of an educational management organization or other person with whom a committee to form a charter school plans to enter into a contract to operate a charter school or a charter management organization that submits an application to form a charter school;

(c) The procedure and criteria for evaluating applications for the renewal of charter contracts pursuant to NRS 388A.285;

(d) The procedure for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved which must include, without limitation, any manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important;

(e) If deemed appropriate by the sponsor, a strategic plan for recruiting charter management organizations, educational management organizations or other persons to operate charter schools based on the priorities of the sponsor

and the needs of the pupils that will be served by the charter schools that will be sponsored by the sponsor;

(f) A description of how the sponsor will maintain oversight of the charter schools it sponsors, which must include, without limitation:

(1) An assessment of the needs of the charter schools that are sponsored by the sponsor that is prepared with the input of the governing bodies of such charter schools; and

(2) A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and

(g) A description of the process of evaluation for the charter schools it sponsors in accordance with NRS 388A.351.

3. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

4. The provisions of this section do not establish a private right of action against the sponsor of a charter school.

Sec. 6.3. **NRS 388A.249 is hereby amended to read as follows:**

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. Except as otherwise provided in NRS 388B.290, if an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) ***Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable;***

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

(e) Base its determination on documented evidence collected through the process of reviewing the application; and

[(d)] *(f)* Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor; [and]

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school [.] ***;***

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection 5 or 6 of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

4. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 6.6. **NRS 388A.252 is hereby amended to read as follows:**

388A.252 1. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249.

2. The board of trustees, the college or the university, as applicable, may approve an application if [it satisfies] the requirements of subsection 3 of NRS 388A.249 [.] ***are satisfied.***

3. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies**.** [in the application.] The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

Sec. 6.9. **NRS 388A.255 is hereby amended to read as follows:**

388A.255 1. If the State Public Charter School Authority receives an application pursuant to subsection 1 of NRS 388A.249 or subsection 4 of NRS 388A.252, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249. The State Public Charter School Authority may approve an application only if [it satisfies] the requirements of subsection 3 of NRS 388A.249 [.] ***are satisfied.*** Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

2. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that [the applicant failed to satisfy] the requirements of subsection 3 of NRS 388A.249 [.] ***have not been satisfied.*** The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies**.** [in the application.] The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

3. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 2, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.

Sec. 7. 1. The State Public Charter School Authority shall complete its initial plan to manage the growth of charter schools in this State required to be established pursuant to section 3 of this act and submit a copy of the plan to the **Department of Education and the** Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education by not later than January 1, 2020.

2. The Legislative Committee on Education shall hold a hearing as soon as possible after receipt of the plan pursuant to subsection 1, during which the State Public Charter School Authority shall present the plan to the Committee. **The Committee shall:**

(a) Evaluate, review and comment on the plan; and

(b) Make recommendations to the State Public Charter School Authority concerning the plan.

3. The Department of Education shall make recommendations to the State Public Charter School Authority concerning the plan.

Sec. 8. Unless a request for an extension is approved by the State Board of Education, each sponsor of a charter school shall:

1. Complete the site evaluation of each charter school it sponsors as required by NRS 388A.223, as amended by section 6 of this act; and

2. Prepare and submit a report of such evaluations to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education by not later than June 30, 2020.

Sec. 9. The ~~[sponsor of a charter school]~~ **State Public Charter School Authority** shall conduct the **first** evaluation required pursuant to **subsection 6 of** NRS 388A.220, as amended by section 5 of this ~~[bill, for any school which it sponsors]~~ **act,** by not later than ~~[January 1, 2020.]~~ **July 30, 2019.**

Sec. 10. This act becomes effective upon passage and approval.

Assemblyman Flores moved that the Assembly concur in the Senate Amendment No. 711 to Assembly Bill No. 462.

Remarks by Assemblyman Flores.

ASSEMBLYMAN FLORES:

The amendment requires the Legislative Committee on Education and Nevada's Department of Education to take certain actions related to the growth plans submitted by the State Public Charter School Authority, clarifies that the geographic evaluation must be completed each year by the Authority and be considered when opening new charter schools, and clarifies that all stakeholders must collaborate on growth plans of charter schools.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 316.

The following Senate amendment was read:

Amendment No. 683.

ASSEMBLYMEN TOLLES, ROBERTS, HANSEN, LEAVITT; AND ELLISON

JOINT [SPONSOR: SENATOR] SPONSORS: SENATORS SEEVERS GANSERT ; BROOKS, CANCELA, DENIS, HAMMOND, HARDY, SETTELMEYER, SPEARMAN AND WASHINGTON

AN ACT relating to public safety; enacting the Nevada 24/7 Sobriety and Drug Monitoring Program Act; establishing a voluntary statewide sobriety and drug monitoring program; requiring any political subdivision that elects to participate in the program to adopt guidelines relating to the program; requiring such guidelines to establish certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Nevada 24/7 Sobriety and Drug Monitoring Program Act. **Section 14** of this bill establishes a statewide sobriety and drug monitoring program in which any political subdivision in this State may elect to participate. **Section 15** of this bill provides that if a political subdivision elects to participate in the program, the Department of Public Safety is authorized to assist the political subdivision in the establishment and administration of the program and the political subdivision is required to designate a law enforcement agency to enforce the program.

Section 16 of this bill authorizes a court to assign an offender who is found guilty of driving under the influence of alcohol or a prohibited substance for the second or third time within 7 years to the program for a specified period determined by the court.

Section 17 of this bill provides that any person who is assigned to the program: (1) must abstain from alcohol and prohibited substances while assigned to the program; (2) generally must undergo testing to determine the presence of alcohol in the person's system not less than two times each day; (3) must undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system; (4) must be subject to sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing; and (5) if the person's driver's license is suspended or revoked, is eligible for a restricted driver's license for the purpose of driving to and from a testing location, work, court appearances or counseling or to receive regularly scheduled medical care. **Section 16** authorizes the Department of Motor Vehicles to adopt any regulations necessary to provide for the issuance of such a restricted driver's license to a person assigned to the program.

Section 18 of this bill requires each political subdivision that elects to participate in the program to adopt guidelines relating to the program, including guidelines that: (1) provide for the nature and manner of testing and the testing procedures and devices to be used; (2) establish certain fees; and (3) provide for the establishment and use of a local program account for the deposit of any fees collected. **Section 19** of this bill requires the law enforcement agency that enforces the program for the political subdivision to collect any fees required by such guidelines and deposit the fees into the

applicable local program account. **Section 19** also establishes provisions relating to the distribution and use of such fees.

WHEREAS, A RAND Corporation study published in the *American Journal of Public Health* in January 2013 concluded that the frequent alcohol testing required by 24/7 sobriety and drug monitoring programs, combined with swift, certain and modest sanctions for violations, can reduce problem drinking and improve public health outcomes; and

WHEREAS, The RAND Corporation analysis provides strong evidence that 24/7 sobriety and drug monitoring programs, when applied to offenders who repeatedly drive under the influence of intoxicating liquor or a prohibited substance, are successful in reducing arrests for such a crime; and

WHEREAS, As a result of the success of 24/7 sobriety and drug monitoring programs, such a program is an authorized program for which impaired driving countermeasure incentive grant funding is available under federal law; now, therefore,

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

Section 1. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who is required to install a device in a motor vehicle pursuant to NRS 484C.210 or 484C.460:

(a) Shall install the device not later than 14 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of

intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420; or

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460 or following an order of revocation issued pursuant to NRS 484C.220, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. ***If the driver's license of a person assigned to a program established pursuant to section 14 of this act is suspended or revoked, the Department may, after verifying the proof of compliance submitted pursuant to subsection 3, if applicable, issue a restricted driver's license to such an applicant that is valid while he or she is a participant in the program and that permits the applicant to drive a motor vehicle:***

(a) To and from a testing location established by a law enforcement agency pursuant to section 15 of this act;

(b) If applicable, to and from work or in the course of his or her work, or both;

(c) To and from court appearances;

(d) To and from counseling; or

(e) To receive regularly scheduled medical care for himself or herself.

5. Except as otherwise provided in NRS 62E.630, after a driver's license has been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

~~[5.]~~ ***6.*** After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

~~[6.]~~ ***7.*** A driver who violates a condition of a restricted license issued pursuant to subsection 1 ***or 4*** or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

~~[7.]~~ *8.* The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

~~[8.]~~ *9.* Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 2. Chapter 484C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 19, inclusive, of this act.

Sec. 3. ***Sections 3 to 19, inclusive, of this act may be cited as the Nevada 24/7 Sobriety and Drug Monitoring Program Act.***

Sec. 4. ***1. The Legislature hereby declares that driving in this State is a privilege, not a right, and a driver who wishes to enjoy the benefits of such a privilege must accept the corresponding responsibilities.***

2. The Legislature further declares that the purpose of sections 3 to 19, inclusive, of this act is to:

(a) Protect the public health and welfare by reducing the number of people on the highways of this State who drive under the influence of intoxicating liquor or a prohibited substance; and

(b) Strengthen the options available to courts and prosecuting attorneys in responding to offenders who repeatedly drive under the influence of intoxicating liquor or a prohibited substance.

Sec. 5. ***As used in sections 3 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 13, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 6. ***"Core components" means the elements of the program that analysis demonstrates are most likely to account for positive outcomes.***

Sec. 7. (Deleted by amendment.)

Sec. 8. ***"Designated law enforcement agency" means a law enforcement agency designated to enforce the program pursuant to section 15 of this act.***

Sec. 9. ***"Immediate sanction" means a sanction that is able to be applied within minutes after the results of testing indicate the presence of alcohol or a prohibited substance in a program participant's system.***

Sec. 9.5. ***"Political subdivision" includes, without limitation, any county, city, other local government, court or entity that administers alternative sentencing.***

Sec. 10. ***"Program" means the statewide sobriety and drug monitoring program established pursuant to section 14 of this act.***

Sec. 11. ***"Program participant" means a person who is assigned by a court to the program.***

Sec. 12. ***"Testing" means any procedure approved by the Committee on Testing for Intoxication for determining the concentration of alcohol or the amount of a prohibited substance in a person's system that is provided for in the applicable guidelines adopted pursuant to section 18 of this act.***

Sec. 13. ***"Timely sanction" means a sanction that is able to be applied as soon as possible, but not later than 14 days, after the results of testing indicate the presence of alcohol or a prohibited substance in a program participant's system.***

Sec. 14. ***1. There is hereby established a statewide sobriety and drug monitoring program in which any political subdivision in this State may elect to participate.***

2. The core components of the program must include the use of a primary testing methodology that tests for the presence of alcohol or a prohibited substance in a program participant's system, best facilitates the ability to apply immediate sanctions for noncompliance and is available at an affordable cost. In cases of economic hardship or when a program participant is rewarded with less stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized.

3. The program must be evidence-based and satisfy at least two of the following requirements:

(a) The program is included in the National Registry of Evidence-based Programs and Practices;

(b) The program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or

(c) The program has been documented as effective by informed experts and other sources.

4. The core components of the program that generally require testing to determine the presence of alcohol in a person's system not less than two times each day and random testing to determine the presence of a prohibited substance in a person's system not less than two times each week must not be altered or modified.

Sec. 15. ***If a political subdivision elects to participate in the program:***

1. The Department of Public Safety may assist the political subdivision in the establishment and administration of the program in the manner provided in sections 3 to 19, inclusive, of this act and in determining alternatives to incarceration.

2. The political subdivision shall designate a law enforcement agency to enforce the program.

3. A designated law enforcement agency:

(a) May designate an entity to provide testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to sections 3 to 19, inclusive, of this act, but such a designated entity may not determine whether to participate in the program.

(b) Shall establish one or more testing locations that provide at least two available testing times each day. If only two testing times are made available, the testing times must be approximately 12 hours apart.

Sec. 16. *1. A court may assign an offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) or (c) of subsection 1 of NRS 484C.400 to the program established pursuant to section 14 of this act for a specified period determined by the court.*

2. If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400, the court:

(a) Shall immediately sentence the offender and enter judgment accordingly.

(b) Shall suspend the sentence of the offender upon the condition that the offender participate in the program for a specified period determined by the court.

(c) Shall advise the offender that:

(1) If the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program, the court may require the offender to serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before participating in the program.

(2) If the offender participates in the program for the period determined by the court and complies with the requirements of the program, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 of NRS 484C.330 and a fine of not more than the minimum provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

(3) The offender is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490.

(d) Shall not defer the sentence, set aside the conviction or impose conditions upon participation in the program except as otherwise provided in this section.

(e) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

3. If the court assigns an offender to the program who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, the court:

(a) Shall immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation.

(b) Shall order the offender to participate in the program.

(c) Shall advise the offender that:

(1) The court may enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if the offender fails to participate in the program for the period determined by the court or fails to comply with the requirements of the program. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before participating in the program.

(2) If the offender participates in the program for the period determined by the court and complies with the requirements of the program, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.

(3) The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply and the offender is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490.

(d) Shall not defer the sentence or set aside the conviction upon participation in the program, except as otherwise provided in this section.

(e) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

4. If a court assigns a person to the program pursuant to this section, the court shall notify the Department of Motor Vehicles that as a participant in the program, the person is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490. If the person fails to comply with the requirements of the program, the court may notify the Department of Motor Vehicles of the person's noncompliance and direct the Department of Motor Vehicles to revoke the restricted license.

5. The Department of Motor Vehicles may adopt any regulations necessary to provide for the issuance of a restricted driver's license to a person assigned to the program.

Sec. 17. ***Any person who is assigned to the program:***

1. Shall abstain from alcohol and prohibited substances while assigned to the program.

2. Shall undergo testing to determine the presence of alcohol in the person's system:

(a) Except as otherwise provided in paragraph (b), not less than two times each day at a testing location established by a designated law enforcement agency pursuant to section 15 of this act so that immediate sanctions can be applied;

(b) If being tested two or more times each day is not practical, by an alternate method consistent with section 14 of this act that allows timely sanctions to be applied; or

(c) By any other alternate method consistent with section 14 of this act.

3. Shall undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system.

4. Must be subject to immediate, lawful and consistent sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing, including, without limitation, immediate incarceration.

5. Is eligible for a restricted driver's license pursuant to subsection 4 of NRS 483.490 if the driver's license of the person is suspended or revoked.

Sec. 18. ***Each political subdivision that elects to participate in the program established pursuant to section 14 of this act shall adopt guidelines consistent with sections 3 to 19, inclusive, of this act. Such guidelines must:***

1. Provide for the nature and manner of testing and the testing procedures and devices to be used.

2. Establish the requirements for compliance with the program, including, without limitation, the immediate sanctions and timely sanctions that may be imposed against a program participant.

3. Establish reasonable participant and testing fees for the program, including, without limitation, fees to pay the cost of installation, monitoring and deactivation of any testing device, and provide for the establishment and use of a local program account for the deposit of any fees collected. The established fees must be as low as possible, but the total amount of the fees and other funds credited to the local program account must defray the entire expense of the program to ensure program sustainability.

4. Provide that a political subdivision may accept gifts, grants, donations and any other form of financial assistance from any source for the purpose of enabling the political subdivision to participate in the program and carry out the provisions of sections 3 to 19, inclusive, of this act.

5. Establish a process for the determination and management of program participants who are indigent.

6. Require and provide for the approval of a program data management technology plan to be used to manage testing, data access, fees, fee payments and any required reports.

7. Require a program participant to sign an agreement:

(a) Acknowledging his or her understanding of the program rules and expectations, including without limitation, the prohibition against using alcohol or a prohibited substance while assigned to the program, and the sanctions that may be imposed;

(b) Agreeing to abide by the program rules and expectations; and

(c) Authorizing his or her records relating to participation in the program to be used for assessment purposes.

8. Require that program participants who meet certain standards of compliance be given positive feedback and rewarded when appropriate. Such a reward may include, without limitation, undergoing less frequent testing.

Sec. 19. ***1. A designated law enforcement agency shall collect any fees required by any guidelines adopted pursuant to section 18 of this act and deposit such fees into the applicable local program account established by a political subdivision pursuant to such guidelines.***

2. In accordance with the provisions of sections 3 to 19, inclusive, of this act and the guidelines adopted pursuant to section 18 of this act, all fees deposited into a local program account must be used by the applicable designated law enforcement agency or, in accordance with the terms determined by the designated law enforcement agency, any entity designated by the law enforcement agency pursuant to section 15 of this act.

3. Each designated law enforcement agency shall distribute a portion of the fees to any entity designated by the law enforcement agency pursuant to section 15 of this act in accordance with any agreement entered into with such a designated entity. The remainder of the fees is for the use of the law enforcement agency and may be used only for the purpose of administering and operating the program.

Sec. 20. NRS 484C.400 is hereby amended to read as follows:

484C.400 1. Unless a greater penalty is provided pursuant to NRS 484C.430 or 484C.440, and except as otherwise provided in NRS 484C.410, a person who violates the provisions of NRS 484C.110 or 484C.120:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless the person is allowed to undergo treatment as provided in NRS 484C.320, the court shall:

(1) Except as otherwise provided in subparagraph (4) of this paragraph or subsection 3 of NRS 484C.420, order the person to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the Department and complete the course within the time specified in the order, and the court shall notify the Department if the person fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484C.320, sentence the person to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform not less than 48 hours, but not more than 96 hours, of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120;

(3) Fine the person not less than $400 nor more than $1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330 [,] ***or the person is assigned to a program pursuant to section 16 of this act,*** the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than $750 nor more than $1,000, or order the person to perform an equivalent number of hours of community service while dressed in distinctive garb that identifies the person as having violated the provisions of NRS 484C.110 or 484C.120; and

(3) Order the person to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of NRS 484C.360.

➥ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340 ~~[,]~~ ***and unless the person is assigned to a program pursuant to section 16 of this act,*** for a third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and shall be further punished by a fine of not less than $2,000 nor more than $5,000. An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6

months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of his or her sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.410 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within 7 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, “offense” means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 21. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5 ~~[,]~~ ***and unless the person is assigned to a program pursuant to section 16 of this act,*** a court shall order a person convicted of:

(a) A violation of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath, to install, at his or her own expense and for a period of not less than 185 days, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) A violation of:

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) NRS 484C.130 or 484C.430,

➥ to install, at his or her own expense and for a period of not less than 12 months or more than 36 months, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS

483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may, in the interests of justice, provide for an exception to the provisions of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, to avoid undue hardship to the person if the court determines that:

(a) Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship;

(b) The person requires the use of the motor vehicle to:

(1) Travel to and from work or in the course and scope of his or her employment; or

(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family;

(c) The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician of the person; or

(d) The person resides more than 100 miles from a manufacturer of a device or its agent.

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section or NRS 483.490 shall have the device inspected, calibrated, monitored and maintained by the manufacturer of the device or its agent at least one time each 90 days during the period in which the person is required to use the device to determine whether the device is operating properly. Any inspection, calibration, monitoring or maintenance required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly, whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether the device has been tampered with. If the device has been tampered with, the Director shall notify the court that ordered the installation of the device. Upon receipt of such notification and before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➥ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 683 to Assembly Bill No. 316.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
The amendment adds cosponsors.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 363.

The following Senate amendment was read:

Amendment No. 680.

~~[ASSEMBLYMAN]~~ **ASSEMBLYMEN** THOMPSON**, MONROE-MORENO, MCCURDY, FRIERSON, BENITEZ-THOMPSON; ASSEFA, BACKUS, BILBRAY-AXELROD, CARLTON, CARRILLO, COHEN, DALY, DURAN, EDWARDS, ELLISON, FLORES, FUMO, GORELOW, HAFEN, HAMBRICK, HANSEN, HARDY, JAUREGUI, KRAMER, KRASNER, LEAVITT, MARTINEZ, MILLER, MUNK, NEAL, NGUYEN, PETERS, ROBERTS, SMITH, SPIEGEL, SWANK, TITUS, TOLLES, TORRES, WATTS, WHEELER AND YEAGER**

JOINT SPONSORS: SENATORS BROOKS, CANCELA, CANNIZZARO, DENIS, DONDERO LOOP, GOICOECHEA, HAMMOND, HANSEN, HARDY, D. HARRIS, KIECKHEFER, OHRENSCHALL, PARKS, PICKARD, RATTI, SCHEIBLE, SEEVERS GANSERT, SETTELMEYER, SPEARMAN, WASHINGTON AND WOODHOUSE

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles to waive the fee for the administration of the examination required for the issuance of a driver's license for certain homeless youth; revising provisions requiring the Department of Motor Vehicles to provide a duplicate driver's license or duplicate identification card to a homeless person free of charge in certain circumstances; revising provisions requiring the State Registrar to provide certain certificates to a homeless person free of charge in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to require applicants for a driver's license to submit to an examination. (NRS 483.330) The fee for administration of the examination is $25. (NRS 483.410) **Section 1** of this bill requires the Department to waive the fee for the examination not more than one time for a homeless child or youth under the age of 25 years. **Section 2** of this bill makes a conforming change.

Existing law requires the Department to waive the fees for furnishing a duplicate driver's license or a duplicate identification card to a homeless person. The homeless person must reimburse the Department for a certain portion of the fee if the vendor who produces the license or card does not waive the cost it charges the Department to produce the photograph of the homeless person. (NRS 483.417, 483.825) **Sections 3 and 4** of this bill require the Department to waive all of the fees, including any reimbursement, for furnishing an original or duplicate driver's license or an original or duplicate identification card to a homeless child or youth under the age of 25 years.

Existing law prohibits the State Registrar from charging a fee for furnishing a certified copy of a record of birth to: (1) a homeless person; or (2) a person who was released from prison within the 90 days immediately preceding the person's request for such a copy. (NRS 440.700) **Section 5** of this bill clarifies that a homeless child or youth is entitled to such a free certified copy of a record of birth, and authorizes certain social workers and persons designated by a local educational agency to obtain a certified copy of a record of birth on behalf of a homeless child or youth in certain circumstances. **Section 5** also requires the State Registrar to provide an unaccompanied youth, without the payment of a fee, a certificate limited to a statement as to the date of birth of the unaccompanied youth, as disclosed by the record of such birth, when the certificate is necessary for admission to school or for securing employment.

Section 6 of this bill provides that these changes become effective on January 1, 2020.

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

Section 1. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS

483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of the applicant's eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he or she is to be licensed.

➥ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways. If the Department requires an applicant to submit to a test specified in paragraph (b), the Department shall ensure that the test includes at least one question testing the applicant's knowledge of the provisions of NRS 484B.165.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

➥ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

(a) Has not attained 21 years of age, except that the Department may, based on the driving record of the applicant, waive the examination to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the same type or class of vehicle for which he or she is to be licensed;

(b) Has had his or her license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484C.130 or, during the immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or

484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his or her driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of moving traffic violations on his or her driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Parts 1327 et seq. of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

5. The Department shall waive the fee prescribed by NRS 483.410 not more than one time for administration of the examination required pursuant to this section for a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.

6. As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 2. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6 and NRS ***483.330 and*** 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

An original or renewal license issued to a person 65 years of age or older	$13.50
An original or renewal license issued to any person less than 65 years of age which expires on the eighth anniversary of the licensee's birthday	37.00
An original or renewal license issued to any person less than 65 years of age which expires on or before the fourth anniversary of the licensee's birthday	18.50
Administration of the examination required by NRS 483.330 for a noncommercial driver's license	25.00
Each readministration to the same person of the examination required by NRS 483.330 for a noncommercial driver's license	10.00
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220	75.00
Reinstatement of a license after revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220	120.00

A new photograph, change of name, change of other information, except address, or any combination... 5.00
A duplicate license 14.00

2. For every motorcycle endorsement to a driver's license, a fee of $5 must be charged.
3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.
4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.
5. A penalty of $10 must be paid by each person renewing a license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless the person is exempt pursuant to that section.
6. The Department may not charge a fee for the reinstatement of a driver's license that has been:
(a) Voluntarily surrendered for medical reasons; or
(b) Cancelled pursuant to NRS 483.310.
7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.
8. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.
Sec. 3. NRS 483.417 is hereby amended to read as follows:
483.417 1. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to:
(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.
(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.
(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail or detention facility, as applicable, within the immediately preceding 90 days.
2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless

person or person released from prison or a county, city or town jail or detention facility for a duplicate driver's license.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her driver's license; and

(b) Is employed at the time of such application.

4. ***The Department shall waive the fee prescribed by NRS 483.410, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection 3 not more than one time for furnishing an original driver's license or a duplicate driver's license to a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.***

5. The Department may accept gifts, grants and donations of money to fund the provision of ***original and*** duplicate drivers' licenses without a fee to persons pursuant to ~~[subsection]~~ ***subsections*** 1 ~~[.]~~ ***and 4.***

6. As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 4. NRS 483.825 is hereby amended to read as follows:

483.825 1. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison, a county, city or town jail or detention facility for a duplicate identification card.

3. ~~[If]~~ ***Except as otherwise provided in subsection 4, if*** the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the

person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. ***The Department shall waive the fee prescribed by NRS 483.820, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection 3 not more than one time for furnishing an original identification card or a duplicate identification card to a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.***

5. The Department may accept gifts, grants and donations of money to fund the provision of ***original and*** duplicate identification cards without a fee to persons pursuant to ~~[subsection]~~ ***subsections*** 1 ~~[.]~~ ***and 4.***

~~[5.]~~ ***6.*** As used in this section ~~[, "photograph"]~~ ***:***

(a) "Homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of $3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of $1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The fee collected for furnishing a copy of a certificate of death must include the sum of 50 cents for credit to the Grief Support Trust Account created by NRS 439.5132.

5. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to:

(a) A homeless person ***, including, without limitation, a homeless child or youth,*** who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A staff person of a local educational agency who has been designated pursuant to 42 U.S.C. § 11432(g)(1)(J)(ii) for a certified copy of a record of birth of a homeless child or youth who is enrolled in the local educational agency.

(d) A social worker licensed to practice in this State, for a certified copy of a record of birth of a homeless child or youth who is a client of the social worker.

6. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of $1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

7. Upon the request of any parent or guardian ~~[,]~~ ***or an unaccompanied youth,*** the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child ***or of the unaccompanied youth*** as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

8. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

9. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

(b) "Local educational agency" has the meaning ascribed to it in 42 U.S.C. § 11434a.

(c) "Unaccompanied youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 6. This act becomes effective on January 1, 2020.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 680 to Assembly Bill No. 363.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
The amendment adds numerous cosponsors.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 365.

The following Senate amendment was read:

Amendment No. 657.

AN ACT relating to short-term lessors of vehicles; revising the maximum allowable charge for a waiver of damages offered by a short-term lessor of vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a short-term lessor of vehicles may offer to a lessee, but must not require, the purchase of a waiver of damages or optional insurance. (NRS 482.31565) Such a lessor may not charge more than $22 per full or partial rental day for such a waiver, except that the maximum amount is adjusted each fiscal year in an amount calculated based on a certain Consumer Price Index for the preceding year.

Section 1 of this bill maintains the existing cap of $22, as adjusted, for a vehicle that has a manufacturer's suggested retail price of not more than $60,000, and adds a new cap of $150 ~~[, to be adjusted annually starting on July 1, 2021,]~~ for a vehicle that has a manufacturer's suggested retail price of more than $60,000. **Section 1 also provides for both the amount of the charge and the threshold amount of the manufacturer's suggested retail price to be adjusted each fiscal year starting on July 1, 2021, in an amount calculated based on the same Consumer Price Index for the preceding year.**

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

Section 1. NRS 482.31565 is hereby amended to read as follows:

482.31565 1. A short-term lessor shall not require the purchase of a waiver of damages, optional insurance or any other optional good or service as a condition for the lease of a passenger car.

2. Except as otherwise provided in this subsection, a short-term lessor may sell a waiver of damages but shall ~~[not]~~ charge ***:*** ~~[more than~~ ~~***, for a vehicle with a manufacturer's suggested retail price:]***~~

(a) ***[Of not more than $60,000,]*** ***Except as otherwise provided in paragraph (b), not more than*** $22 per full or partial rental day or 24-hour rental period, as appropriate, for the waiver. The [monetary] amount ***of the charge*** set forth in this [subsection] ***paragraph*** must be adjusted for each fiscal year that begins on or after July 1, 2008, by adding to that ***[each]*** amount the product of that amount multiplied by the percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2005, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted amount ***[amounts]*** for the next fiscal year on its website or otherwise make that information available to short-term lessors.

(b) ***[That is]*** ***If the vehicle has a manufacturer's suggested retail price of more than $60,000,*** ***not more than*** ***$150 per full or partial rental day or 24-hour rental period, as appropriate, for the waiver. The*** ***[amount of the charge]*** ***monetary amounts*** ***set forth in this paragraph must be adjusted for each fiscal year that begins on or after July 1, 2021, by adding to each amount the product of that amount multiplied by the percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2017, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted amounts for the next fiscal year on its Internet website or otherwise make that information available to short-term lessors.***

3. A short-term lessor who disseminates an advertisement in the State of Nevada that contains a rate for the lease of a passenger car shall include in the advertisement a clearly readable statement of the charge for a waiver of damages and a statement that the waiver is optional.

4. A short-term lessor shall not engage in any unfair, deceptive or coercive conduct to induce a short-term lessee to purchase a waiver of damages, optional insurance or any other optional good or service, including, but not limited to, refusing to honor the lessee's reservation, limiting the availability of cars, requiring a deposit or debiting or blocking the lessee's credit card account for a sum equivalent to a deposit if the lessee declines to purchase a waiver, optional insurance or any other optional good or service.

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

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 657 to Assembly Bill No. 365.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

The amendment adds language to section 1 which provides for both the amount of the charge and the threshold amount of the manufacturer's suggested retail price to be adjusted each fiscal year starting on July 1, 2021, in an amount calculated based on the same Consumer Price Index for the preceding year.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 403.
The following Senate amendment was read:
Amendment No. 678.
ASSEMBLYMEN ELLISON, KRAMER, ROBERTS; LEAVITT, TITUS AND WHEELER

JOINT SPONSORS: SENATORS BROOKS, CANCELA, DENIS, HAMMOND, HARDY, SETTELMEYER, SPEARMAN AND WASHINGTON

AN ACT relating to motor vehicles; revising provisions relating to the applicability of certain traffic laws concerning reckless driving and vehicular manslaughter; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, traffic laws and certain other laws relating to motor vehicles are applicable and uniform throughout this State on all highways to which the public has a right of access or to which the persons have access to as invitees or licensees. (NRS 484A.400) **Section 1** of this bill provides that such laws may apply in other places if provided by a specific statute. Existing law makes provisions governing reckless driving and vehicular manslaughter apply to a motor vehicle being operated on a highway. **Sections 2-4** of this bill explicitly makes those also apply on premises to which the public has access, which includes, without limitation, parking lots, parking garages and other roads or ways that provide access to or are appurtenant to places of business, apartment buildings, mobile home parks and gated residential communities. (NRS 484A.185, 484B.550, 484B.653, 484B.657)

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

Section 1. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access ***,*** ~~[or]~~ to which persons have access as invitees or licensees ~~[.]~~ ***or such other premises as provided by statute.***

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic crashes, other than the duties to stop, render aid and provide necessary information;

(c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; or

(d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 2. NRS 484B.550 is hereby amended to read as follows:

484B.550 1. Except as otherwise provided in this section, the driver of a motor vehicle ***on a highway or premises to which the public has access*** who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring the vehicle to a stop is guilty of a misdemeanor.

2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.

3. Unless the provisions of NRS 484B.653 apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:

(a) Is the proximate cause of damage to the property of any other person; or

(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any other person or the property of any other person,

➥ the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any other person, the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

5. If the driver of the motor vehicle is convicted of a violation of NRS 484C.110 or 484C.120 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.

Sec. 3. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property ~~[.]~~ ***on a highway or premises to which the public has access.***

(b) Drive a vehicle in an unauthorized speed contest on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

(c) Organize an unauthorized speed contest on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

➥ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle ***on a highway or premises to which the public has access*** is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle ***on a highway or premises to which the public has access*** in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

7. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 4. NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle ~~[,]~~ ***on a highway or premises to which the public has access,*** proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.

4. Upon receipt of notification from a court pursuant to subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 678 to Assembly Bill No. 403.
Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
The amendment adds cosponsors.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 465.
The following Senate amendment was read:
Amendment No. 770.
AN ACT relating to energy; requiring electric utilities to offer an expanded solar access program to certain customers and to submit a plan to the Public Utilities Commission of Nevada for such a program; requiring the Commission to adopt regulations establishing standards for the program; requiring the Commission to approve a plan for an expanded solar access program if certain requirements are met; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts provisions for the implementation of an expanded solar access program by certain electric utilities in this State. This bill requires such electric utilities to offer an expanded solar access program to residential customers and to certain nonresidential customers who consume less than 10,000 kilowatt-hours of electricity per month. This bill requires the Public Utilities Commission of Nevada to adopt certain regulations for the implementation of the expanded solar access program and requires an electric utility to submit a plan for the implementation of the expanded solar access program. Among the requirements for the plan submitted by an electric utility to implement the expanded solar access program is that the capacity of the expanded solar access program be below a certain amount, that the program broaden access to solar energy in an equitable manner and that the program provide participating low-income residential customers with ~~[electric bill savings.]~~ **a lower rate.** This bill requires an electric utility, in implementing the expanded solar access program, to make use of **at least** a certain number of community-based solar resources and utility scale solar resources.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An electric utility shall offer an expanded solar access program to eligible customers within its service area in accordance with the provisions

of this section. The size of the expanded solar access program shall not exceed:

(a) For an electric utility that primarily serves densely populated counties, a total capacity of 240,000 megawatt-hours; and

(b) For an electric utility that primarily serves less densely populated counties, a total capacity of 160,000 megawatt-hours.

2. The Commission shall adopt regulations establishing standards for the expanded solar access program. The regulations must:

(a) Advance the development of solar energy resources in this State, including, without limitation, utility scale and community-based solar resources;

(b) Provide for the expanded solar access program to include a reasonable mixture of community-based solar resources and utility scale solar resources;

(c) Provide a plan for community participation in the siting and naming of community-based solar resources;

(d) Provide for solar workforce innovations and opportunity programs related to the construction, maintenance and operation of solar resources, including opportunities for workforce training, apprenticeships or other job opportunities at community-based solar resources;

(e) Provide for equitably broadened access to solar energy;

(f) Provide for the creation of an expanded solar access program rate for participating eligible customers that:

(1) Is based, among other factors, on a new utility scale solar resource accepted by the Commission in an order issued pursuant to NRS 704.751, as approved by the Commission;

(2) Is a fixed rate that replaces the base tariff energy rate and deferred accounting adjustment charged by the electric utility for participating customers and which is adjusted in accordance with the Commission's quarterly calculations;

(3) For low-income eligible customers, provides for ~~***[bill savings,]***~~ ***a lower rate,*** ***the cost of which must be allocated*** ~~***[equitably]***~~ ***across all of the rate classes of the utility;***

(4) For eligible customers who are not low-income eligible customers, provides stability and predictability and the opportunity for ~~***[bill savings;]***~~ ***a lower rate;*** ***and***

(5) Includes for all participating customers any other applicable charges including, without limitation, the universal energy charge, franchise fees, the renewable energy program rate and base tariff general rates, except that the Commission may reduce one or more of these charges for low-income eligible customers to ensure that such customers receive ~~***[bill savings]***~~ a lower rate ***pursuant to subparagraph (3);***

(g) Establish a process for identifying noncontiguous geographic locations for community-based solar resources which, to the extent

practicable, must be located in communities with higher levels of low-income eligible customers;

(h) Provide for the use of at least one utility scale solar resource and at least three but not more than ten community-based solar resources within the service territory of the electric utility;

(i) Require not less than 50 percent of the employees engaged or anticipated to be engaged in construction of community-based solar resources to be residents of this State, which residency may be demonstrated, without limitation, by a notarized statement of the employee that he or she is a resident of this State;

(j) Provide for a mechanism for the host sites of community-based solar resources to receive compensation from the utility for the use of such site;

(k) Provide for the use of a combination of new and other renewable energy facilities, which may be either utility scale or community-based solar resources, that were submitted to the Commission for approval after May 1, 2018, and that were not placed into operation before April 1, 2020;

(l) Provide for an application and selection process for eligible customers to participate in the program;

(m) Ensure reasonable and equitable participation by eligible customers within the service area of the electric utility;

(n) Ensure that eligible customers are able to participate in the program regardless of whether the customer owns, rents or leases the customer's premises;

(o) Require that:

(1) Twenty-five percent of the capacity of the program, as provided in subsection 1, be reserved for low-income eligible customers;

(2) Twenty-five percent of the capacity of the program, as provided in subsection 1, be reserved for disadvantaged businesses and nonprofit organizations; and

(3) Fifty percent of the capacity of the program, as provided in subsection 1, be reserved for eligible customers who are fully bundled residential customers who own, rent or lease their residence and who certify in a statement which satisfies the requirements established by the Commission pursuant to paragraph (p) that they cannot install solar resources on their premises ; ~~***[, as determined by the Commission; and]***~~

(p) Establish the requirements for a fully bundled residential customer to certify that he or she cannot install solar resources on his or her premises; and

(q) Establish standards for the form, content and manner of submission of an electric utility's plan for implementing the expanded solar access program.

3. An electric utility shall file a plan for implementing the expanded solar access program in accordance with the regulations adopted by the Commission pursuant to subsection 2.

4. The Commission shall review the plan for the implementation of the expanded solar access program submitted pursuant to subsection 3 and issue an order approving , with or without modifications, ***or denying the plan within 210 days. The Commission*** ~~[shall]~~ may ***approve the plan if it finds that the proposed expanded solar access program complies with the regulations adopted by the Commission pursuant to subsection 2.***

5. In administering the provisions of this section, the electric utility and the Commission shall establish as the preferred sites for utility scale development of solar energy resources pursuant to this section brownfield sites and land designated by the Secretary of the Interior as Solar Energy Zones and held by the Bureau of Land Management.

6. As used in this section:

(a) "Brownfield site" has the meaning ascribed to it in 42 U.S.C. § 9601.

(b) "Community-based solar resource" means a solar resource which has a nameplate capacity of not more than 1 megawatt and is owned and operated by the electric utility and connected to and used as a component of the distribution system of the electric utility.

(c) "Disadvantaged business" means a business for which:

(1) Fifty-one percent or more of the owners are women, veterans, members of a racial or ethnic minority group or otherwise part of a traditionally underrepresented group; and

(2) None of the owners has a net worth of more than $250,000, not including the equity held in the business or in a primary residence.

(d) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(e) "Electric utility that primarily serves densely populated counties" has the meaning ascribed to it in NRS 704.110.

(f) "Electric utility that primarily serves less densely populated counties" has the meaning ascribed to it in NRS 704.110.

(g) "Eligible customer" means:

(1) A fully bundled general service customer; or

(2) A fully bundled residential customer of a utility.

(h) "Fully bundled customer" means a customer of an electric utility who receives energy, transmission, distribution and ancillary services from an electric utility.

(i) ***"Fully bundled general service customer" means a*** fully bundled customer who is a ***nonresidential customer with a kilowatt-hour consumption that does not exceed 10,000 kilowatt-hours per month.***

~~[(i)]~~ (j) ***"Fully bundled residential customer" means a fully bundled*** ~~[single-family]~~ ***customer*** who is a single-family ***or a multifamily residential customer.***

~~[(j)]~~ (k) ***"Low-income eligible customer" means a natural person or household who is a*** fully bundled ***residential customer of a utility and has an income of not more than 80 percent of the area median income based on the guidelines published by the United States Department of Housing and Urban Development.***

~~[(k)]~~ *(l)* ***"Solar Energy Zone" means an area identified and designated by the Bureau of Land Management as an area well-suited for utility-scale production of solar energy, and where the Bureau of Land Management will prioritize solar energy and associated transmission infrastructure development.***

~~[(l)]~~ *(m)* ***"Solar resource" means a facility or energy system that uses a solar photovoltaic device to generate electricity.***

~~[(m)]~~ *(n)* ***"Solar workforce innovations and opportunity program" means a workforce education, training and job placement program developed by the Department of Employment, Training and Rehabilitation and its appropriate industry sector council in conjunction with potential employers and community stakeholders.***

~~[(n)]~~ *(o)* ***"Utility scale solar resource" means a solar resource which has a nameplate capacity of at least 50 megawatts and is interconnected directly to a substation of the electric utility through a generation step-up transformer.***

Sec. 2. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, ***and section 1 of this act*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f) or (g).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection 10 of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue in an amount that does not exceed $15,000:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ A letter of advice filed pursuant to this paragraph must include a certification by the attorney for the public utility or an affidavit by an authorized representative of the public utility that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the public utility in an amount that exceeds $15,000.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less:

(1) The small-scale provider of last resort may file the proposed change with the Commission using a letter of advice in lieu of filing an application if the small-scale provider of last resort:

(I) Includes with the letter of advice a certification by the attorney for the small-scale provider of last resort or an affidavit by an authorized representative of the small-scale provider of last resort that to the best of the signatory's knowledge, information and belief, formed after a reasonable inquiry, the proposed change in schedule does not change any rate or result in an increase in the annual gross operating revenue of the small-scale provider of last resort in an amount that exceeds $50,000 or 10 percent, whichever is less;

(II) Demonstrates that the proposed change in schedule is required by or directly related to a regulation or order of the Federal Communications Commission; and

(III) Except as otherwise provided in subsection 2, files the letter of advice not later than 5 years after the Commission has issued a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

➥ Not later than 10 business days after the filing of a letter of advice pursuant to subparagraph (1), the Regulatory Operations Staff of the Commission or any other interested party may file with the Commission a request that the Commission order an applicant to file a general rate application in accordance with subsection 3 of NRS 704.110. The Commission may hold a hearing to consider such a request.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. An applicant that is a small-scale provider of last resort may submit to the Commission a written request for a waiver of the 5-year period specified in sub-subparagraph (III) of subparagraph (1) of paragraph (g) of subsection 1. The Commission shall, not later than 90 days after receipt of such a request, issue an order approving or denying the request. The Commission may approve the request if the applicant provides proof satisfactory to the Commission that the applicant is not earning more than the rate of return authorized by the Commission and that it is in the public interest for the Commission to grant the request for a waiver. The Commission shall not approve a request for a waiver if the request is submitted later than 7 years after the issuance by the Commission of a final order on a general rate application filed by the applicant in accordance with subsection 3 of NRS 704.110. If the Commission approves a request for a waiver submitted pursuant to this subsection, the applicant shall file the letter of advice pursuant to subparagraph (1) of paragraph (g) of subsection 1 not earlier than 120 days after the date on which the applicant submitted the request for a waiver pursuant to this subsection, unless the order issued by the Commission approving the request for a waiver specifies a different period for the filing of the letter of advice.

3. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 3. **NRS 704.110 is hereby amended to read as follows:**

704.110 Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, ***and section 1 of this act,*** or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the

recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2010, and at least once every 36 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2011, and at least once every 36 months thereafter.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate

application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate

application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with

the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. For the purposes of this subsection, a plan or an amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period ~~[.]~~ ***, not including kilowatt-hours sold pursuant to an expanded solar access program established pursuant to section 1 of this act.***

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 770 to Assembly Bill No. 465.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
The amendment adds clarifying language by replacing the term "bill savings" to "lower rate" and defines the term "fully bundled customer."

Motion carried by a constitutional majority.
Bill ordered to enrollment.

Assembly Bill No. 485.
The following Senate amendment was read:
Amendment No. 677.
SUMMARY—Enacts provisions relating to electric ~~[foot]~~ scooters. (BDR 43-1107)

AN ACT relating to electric ~~[foot]~~ scooters; enacting certain provisions relating to the operation of electric ~~[foot]~~ scooters; authorizing certain local authorities to regulate scooter-share programs whereby electric ~~[foot]~~ scooters are made available for hire; authorizing such local authorities to impose a fee for such scooter-share programs; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, persons riding bicycles and electric bicycles are provided with certain protections and subject to certain duties and responsibilities when operating on the highways of this State. (NRS 484B.760-484B.783) **Sections 35-44** of this bill add to those provisions "electric ~~[foot]~~ scooters," which are defined in **sections 1, 15 and 23** of this bill as a vehicle with handlebars and an electric motor that is designed to be ridden in an upright **or seated** position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle: (1) must not weigh more than 100 pounds without a rider; and (2) must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.

Section 9 of this bill exempts electric ~~[foot]~~ scooters from the requirements for a motor vehicle to be registered with the Department of Motor Vehicles, and **sections 10-13** of this bill exempt the rider of an electric ~~[foot]~~ scooter from the requirement for a driver's license. **Section** ~~[23]~~ **24** of this bill provides that the rider of an electric ~~[foot]~~ scooter has the same rights and duties as the rider of a bicycle or electric bicycle, and that an electric ~~[foot]~~ scooter is subject to all the provisions of law applicable to bicycles and electric bicycles except those provisions which by their nature can have no application.

Section 16 of this bill authorizes local authorities in this State to adopt ordinances regulating the time, place and manner of operation of electric ~~[foot]~~ scooters. **Section 16** also authorizes those local authorities to adopt ordinances to allow and regulate the operation of a scooter-share program for electric ~~[foot]~~ scooters by a scooter-share operator. Such ordinances may, without limitation: (1) impose a reasonable fee on a scooter-share operator; (2) subject the scooter-share programs and scooter-share operators to various obligations, requirements and restrictions; and (3) require the local authority to undertake certain obligations and duties. Certain data provided to the local authorities is

confidential, as proprietary or a trade secret, and **section 48** of this bill makes a conforming change to the public records provision in existing law. (NRS 239.010) **Section 16** also prohibits a scooter-share operator or ~~[a scooter-share customer]~~ **any person** from allowing a person who is under 16 years of age to operate a shared scooter. A violation is punishable by the imposition of a civil penalty of $250. **Section 16** also requires the operator to maintain certain insurance coverages.

Sections 6, 8, 13, 19 and 20 of this bill exclude electric bicycles from certain definitions, and sections 27, 30, 31, 33 and 34 of this bill add electric bicycles and electric scooters to certain provisions that provide enhanced penalties for a driver who is the proximate cause of a collision with a pedestrian or a person riding a bicycle. The remaining sections of this bill make various conforming changes and add electric ~~[foot]~~ scooters to various provisions concerning bicycles and electric bicycles.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

"Electric ~~[foot]~~ scooter" means a vehicle:

1. With handlebars and an electric motor that is designed to be ridden on in an upright or seated position and is propelled by its electric motor or by propulsion provided by the rider;

2. That does not weigh more than 100 pounds without a rider; and

3. That has a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.

Sec. 2. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 482.0287 is hereby amended to read as follows:

482.0287 "Electric bicycle" means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.

➥ The term does not include a moped ~~[.]~~ ***or an electric ~~[foot]~~ scooter.***

Sec. 4. NRS 482.069 is hereby amended to read as follows:

482.069 "Moped" means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more

than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➥ The term does not include an electric bicycle ~~[.]~~ ***or an electric*** ~~***[foot]***~~ ***scooter.***

Sec. 5. NRS 482.070 is hereby amended to read as follows:

482.070 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "electric bicycle," ***"electric*** ~~***[foot]***~~ ***scooter,"*** "tractor" or "moped" as defined in this chapter.

Sec. 6. NRS 482.075 is hereby amended to read as follows:

482.075 "Motor vehicle" means every vehicle as defined in NRS 482.135 which is self-propelled. ***The term does not include an electric*** ***bicycle or an electric*** ~~***[foot]***~~ ***scooter.***

Sec. 7. NRS 482.087 is hereby amended to read as follows:

482.087 "Passenger car" means a motor vehicle designed for carrying 10 persons or less, except a motorcycle, an electric bicycle ***, an electric*** ~~***[foot]***~~ ***scooter*** or a moped.

Sec. 8. NRS 482.135 is hereby amended to read as follows:

482.135 Except as otherwise provided in NRS 482.36348, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;

2. Mobile homes or commercial coaches as defined in chapter 489 of NRS; ~~[or]~~

3. Electric ***bicycles;***

4. Electric personal assistive mobility devices ~~[.]~~ ***; or***

~~***[4.]***~~ ***5. Electric*** ~~***[foot]***~~ ***scooters.***

Sec. 9. NRS 482.210 is hereby amended to read as follows:

482.210 1. The provisions of this chapter requiring the registration of certain vehicles do not apply to:

(a) Special mobile equipment.

(b) Implements of husbandry.

(c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS.

(d) Electric bicycles.

(e) Golf carts which are:

(1) Traveling upon highways properly designated by the appropriate city or county as permissible for the operation of golf carts; and

(2) Operating pursuant to a permit issued pursuant to this chapter.

(f) Towable tools or equipment as defined in NRS 484D.055.

(g) Any motorized conveyance for a wheelchair, whose operator is a person with a disability who is unable to walk about.

(h) Electric ~~**[foot]**~~ ***scooters.***

2. For the purposes of this section, "motorized conveyance for a wheelchair" means a vehicle which:

(a) Can carry a wheelchair;

(b) Is propelled by an engine which produces not more than 3 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 2250 watts final output;

(c) Is designed to travel on not more than three wheels; and

(d) Can reach a speed of not more than 30 miles per hour on a flat surface with not more than a grade of 1 percent in any direction.

➥ The term does not include a tractor.

Sec. 10. NRS 483.067 is hereby amended to read as follows:

483.067 "Electric bicycle" means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.

➥ The term does not include a moped ~~**[.]**~~ ***or an electric*** ~~**[foot]**~~ ***scooter, as defined in section 1 of this act.***

Sec. 11. NRS 483.088 is hereby amended to read as follows:

483.088 "Moped" means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➥ The term does not include an electric bicycle ~~**[.]**~~ ***or an electric*** ~~**[foot]**~~ ***scooter, as defined in section 1 of this act.***

Sec. 12. NRS 483.090 is hereby amended to read as follows:

483.090 "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails. "Motor vehicle" includes a moped. The term does not include an electric bicycle ~~**[.]**~~ ***or an electric*** ~~**[foot]**~~ ***scooter, as defined in section 1 of this act.***

Sec. 13. NRS 483.190 is hereby amended to read as follows:

483.190 "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except:

1. Devices moved by human power or used exclusively upon stationary rails or tracks; ~~[and]~~

2. Electric ***bicycles;***

3. Electric personal assistive mobility devices as defined in NRS 482.029 ~~[.]~~ ***; and***

~~[3.]~~ 4. An electric ~~[foot]~~ scooter, as defined in section 1 of this act.

Sec. 14. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 15 and 16 of this act.

Sec. 15. ***"Electric ~~[foot]~~ scooter" means a vehicle with handlebars and an electric motor that is designed to be ridden on in an upright or seated position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle:***

1. Must not weigh more than 100 pounds without a rider; and

2. Must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.

Sec. 16. ***1. A local authority may adopt, to protect the health and safety of the public, an ordinance which regulates the time, place and manner of operation of electric ~~[foot]~~ scooters in the jurisdiction of the local authority in a manner that is generally consistent with such regulation of bicycles and electric bicycles and which may, without limitation:***

(a) Prohibit the use of an electric ~~[foot]~~ scooter in a specified area or areas of the jurisdiction; or

(b) Establish a speed limit for electric ~~[foot]~~ scooters operating on sidewalks in the jurisdiction.

2. A local authority may by ordinance regulate the operation of a scooter-share program in the jurisdiction of the local authority ~~[.]~~ as provided in this section.

3. An ordinance enacted pursuant to subsection 2 may:

(a) Require a scooter-share operator to pay a reasonable fee for the privilege of operating a scooter-share program, provided that such fee does not exceed the cost to the local authority for regulating the scooter-share program.

(b) Require a scooter-share operator to indemnify the local authority against claims, losses, liabilities, damages, costs and attorney's fees arising out of any negligent act, error, omission or willful misconduct by a scooter-share operator or its officers or employees, except for those claims, losses, liabilities, damages, costs and attorney's fees which arise out of the negligence or willful misconduct of the local authority.

(c) Except as otherwise provided in subsection 1, designate locations where a scooter-share operator may not stage shared scooters, provided that at least one such staging location must be allowed on each side of each city block in any commercial zone or business district in the jurisdiction of the

local authority [.] where use of electric scooters is allowed, provided that such a staging location does not impede the normal and reasonable movement of pedestrians at the location.

(d) Except as otherwise provided in subsection 5, enact or identify moving or parking violations specific to shared scooters and assessing penalties for such violations, [to be enforced against the person responsible for the violation,] provided that such penalties do not exceed those imposed, if any, for similar violations by the rider of a bicycle.

(e) Require a scooter-share operator to provide to the local authority trip data for all trips starting or ending in the jurisdiction of the local authority on each shared scooter of the scooter-share operator or any person or company controlled by, controlling or under common control with the scooter-share operator. To ensure privacy, such trip data must be:

(1) Provided via an application programming interface, subject to the scooter-share operator's license agreement for the interface;

(2) Subject to a publicly available privacy policy of the local authority or a designee of the local authority, disclosing what data is collected and how the data is used or shared with third parties;

(3) Safely and securely stored by the local authority, which must implement reasonable administrative, physical and technical safeguards to protect, secure and, if applicable, encrypt or otherwise limit access to the data;

(4) Except as otherwise provided in subparagraphs (5) and (6), treated by the local authority as personal, proprietary business information and trade secret of the scooter-share operator, exempt from public disclosure pursuant to any public records request, deemed confidential and not a public record for the purposes of chapter 239 of NRS and not considered property of the local authority;

(5) Shared with law enforcement agencies only pursuant to valid legal process; and

(6) Shared with third parties only with the consent of the scooter-share operator, except that, for the purposes of subparagraph (1), the local authority may, upon a showing of legitimate necessity, designate a third party to receive trip data from the scooter-share operator if the third party is in privity with the local authority and agrees to the requirements of this [paragraph.] section.

4. An ordinance enacted pursuant to subsection 2 may not, except as required to protect the health and safety of the public [or] as [otherwise] provided in [subsections] subsection 1 , [and 5,] subject customers of a scooter-share program to requirements more restrictive than those applicable to riders of bicycles or electric bicycles [.] , except those requirements which by their nature only apply to electric scooters.

5. An ordinance enacted pursuant to subsection 2 must:

(a) Prohibit a scooter-share operator from knowingly allowing a person who is under 16 years of age to operate a shared scooter.

(b) Prohibit a person ~~[who is a customer of a scooter-share operator]~~ from knowingly allowing a person who is under the age of 16 to operate a shared scooter.

(c) Provide that a violation of paragraph (a) or (b) is:

(1) Not a misdemeanor; and

(2) Punishable by the imposition of a civil penalty of $250.

(d) Require a scooter-share operator to maintain ~~[:]~~ insurance coverage that must include, without limitation:

(1) Commercial general liability insurance ~~[coverage, including for medical payments,]~~ in an amount of not less than $1,000,000 for each occurrence and $5,000,000 in the aggregate ; ~~[, covering all occurrences commonly insured against for bodily injury and property damage arising out of or in connection with the use of an electric foot scooter;]~~

(2) ~~[Casualty]~~ Motor vehicle insurance with a combined single limit of not less than $1,000,000 ; ~~[that covers the use and operation of an electric foot scooter and meets the requirements of chapter 690B of NRS;]~~

(3) ~~[An umbrella]~~ Umbrella or excess ~~[policy]~~ liability coverage with a limit of not less than $5,000,000 for each occurrence and $5,000,000 in the aggregate ; ~~[, protecting the scooter-share operator against a loss in excess of the state amounts of coverages as required in subparagraphs (1) and (2);]~~ and

(4) If the scooter-share operator has employees, industrial insurance as required pursuant to chapters 616A to 617, inclusive, of NRS.

6. As used in this section:

(a) "Scooter-share operator" means a person offering shared scooters for hire through a scooter-share program.

(b) "Scooter-share program" means the offering of shared scooters for hire.

(c) "Shared scooter" means an electric ~~[foot]~~ scooter offered for hire as part of a scooter-share program.

(d) "Trip data" means ~~[all]~~ any data elements related to the use of a shared scooter by a customer of a scooter-share program, including, without limitation, route data, GPS information and timestamps.

Sec. 17. NRS 484A.010 is hereby amended to read as follows:

484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, ***and section 15 of this act*** have the meanings ascribed to them in those sections.

Sec. 18. NRS 484A.125 is hereby amended to read as follows:

484A.125 "Moped" means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➥ The term does not include an electric bicycle [.] ***or an electric [foot] scooter.***

Sec. 19. NRS 484A.130 is hereby amended to read as follows:

484A.130 "Motor vehicle" means every vehicle which is self-propelled but not operated upon rails. ***The term does not include an electric bicycle or an electric [foot] scooter.***

Sec. 20. NRS 484A.320 is hereby amended to read as follows:

484A.320 "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except:

1. Devices moved by human power or used exclusively upon stationary rails; [and]

2. Electric ***bicycles;***

3. Electric personal assistive mobility devices as defined in NRS 482.029 [.] ***; and***

[3.] 4. An electric [foot] scooter.

Sec. 21. NRS 484A.420 is hereby amended to read as follows:

484A.420 1. Except as otherwise provided in subsection 3, a local authority may adopt, by ordinance, regulations with respect to highways under its jurisdiction within the reasonable exercise of the police power:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction.

(c) Designating any highway as a through highway, requiring that all vehicles stop before entering or crossing the highway, or designating any intersection as a stop or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to the intersection.

(d) Designating truck, bicycle ***,*** [and] electric bicycle ***and electric [foot] scooter*** routes.

(e) Adopting such other traffic regulations related to specific highways as are expressly authorized by chapters 484A to 484E, inclusive, of NRS.

2. An ordinance relating to traffic control enacted under this section is not effective until official devices for traffic control giving notice of those local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as is most appropriate.

3. An ordinance enacted under this section is not effective with respect to:

(a) Highways constructed and maintained by the Department of Transportation under the authority granted by chapter 408 of NRS; or

(b) Alternative routes for the transport of radioactive, chemical or other hazardous materials which are governed by regulations of the United States Department of Transportation,

➥ until the ordinance has been approved by the Board of Directors of the Department of Transportation.

4. As used in this section, "hazardous material" has the meaning ascribed to it in NRS 459.7024.

Sec. 22. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 23 and 24 of this act.

Sec. 23. ***"Electric*** ~~***[foot]***~~ ***scooter" means a vehicle with handlebars and an electric motor that is designed to be ridden on in an upright*** <u>***or seated***</u> ***position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle:***

1. Must not weigh more than 100 pounds without a rider; and

2. Must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.

Sec. 24. ***1. Except as otherwise provided in an ordinance enacted pursuant to section 16 of this act, an electric*** ~~***[foot]***~~ ***scooter may be operated:***

(a) On a roadway, bicycle lane, path or route at a speed of not more than 15 miles per hour; and

(b) On a sidewalk and other pedestrian areas at a speed that does not exceed the limit set in an ordinance enacted pursuant to section 16 of this act, if any.

2. Except as otherwise provided in a specific statute or an ordinance enacted pursuant to section 16 of this act:

(a) An electric ~~***[foot]***~~ ***scooter is subject to all the provisions of law applicable to bicycles and electric bicycles except those provisions which by their nature can have no application; and***

(b) A person operating an electric ~~***[foot]***~~ ***scooter has the same rights and duties as a person operating a bicycle or an electric bicycle, except for those rights and duties which by their nature can have no application.***

Sec. 25. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, ***and section 23 of this act,*** have the meanings ascribed to them in those sections.

Sec. 26. NRS 484B.017 is hereby amended to read as follows:

484B.017 "Electric bicycle" means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.

➥ The term does not include a moped ~~**[.]**~~ ***or an electric*** ~~***[foot]***~~ ***scooter.***

Sec. 27. NRS 484B.270 is hereby amended to read as follows:

484B.270 1. The driver of a motor vehicle shall not intentionally interfere with the movement of a person lawfully riding a bicycle ***,*** ~~[or]~~ an electric bicycle ~~[.]~~ ***or an electric ~~[foot]~~ scooter.***

2. When overtaking or passing a bicycle ~~[or]~~ ***, an*** electric bicycle ***or an electric ~~[foot]~~ scooter*** proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:

(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or

(b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle ***,*** ~~[or]~~ electric bicycle ***or electric ~~[foot]~~ scooter*** at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle ***,*** ~~[or]~~ electric bicycle ~~[,]~~ ***or electric ~~[foot]~~ scooter*** and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle ***,*** ~~[or]~~ electric bicycle ~~[.]~~ ***or electric ~~[foot]~~ scooter.***

3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric ~~[foot]~~ scooter*** or a pedestrian as provided in subsection 6 of NRS 484B.297 on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles ***,*** ~~[or]~~ electric bicycles ***or electric ~~[foot]~~ scooters*** except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;

(c) To avoid conflict with other traffic;

(d) In the performance of official duties;

(e) In compliance with the directions of a police officer; or

(f) In an emergency.

4. Except as otherwise provided in subsection 3, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles ***,*** ~~[or]~~ electric bicycles ~~[.]~~ ***or electric ~~[foot]~~ scooters.***

5. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle ***,*** ~~[or]~~ an electric bicycle ~~[;]~~ ***or an electric ~~[foot]~~ scooter;*** and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

6. If, while violating any provision of subsections 1 to 5, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle ***, an electric bicycle or an electric ~~[foot]~~ scooter,*** the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

7. The operator of a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric ~~[foot]~~ scooter*** shall not:

(a) Intentionally interfere with the movement of a motor vehicle; or

(b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

Sec. 28. NRS 484B.297 is hereby amended to read as follows:

484B.297 1. Except as otherwise provided in subsection 6, where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent highway.

2. Except as otherwise provided in subsection 6, pedestrians walking along highways where sidewalks are not provided shall walk on the left side of those highways facing the approaching traffic.

3. A person shall not stand in a highway to solicit a ride or any business from the driver or any occupant of a vehicle. A person shall not, without a permit issued pursuant to NRS 244.3555 or 268.423, solicit any contribution from the driver or any occupant of a vehicle.

4. It is unlawful for any pedestrian who is under the influence of intoxicating liquors or any narcotic or stupefying drug to be within the traveled portion of any highway.

5. The provisions of this section apply to riders of animals, except that the provisions of subsections 1, 2 and 3 do not apply to a peace officer who rides an animal while performing his or her duties as a peace officer.

6. A pedestrian walking or otherwise traveling on a sidewalk who encounters an obstruction to his or her mobility on the sidewalk, including, without limitation, a short section of the sidewalk that is missing or impassable, may proceed with due care on the immediately adjacent highway to move around such an obstruction. Such a pedestrian:

(a) Must walk or otherwise travel as far to the side of the highway near the sidewalk as possible;

(b) May walk or otherwise travel on the highway in the direction he or she was walking or traveling on the sidewalk, regardless of the direction of traffic;

(c) May walk or otherwise travel in a lane provided for bicycles ***,*** ~~[or]~~ electric bicycles ***or electric ~~[foot]~~ scooters*** if the area between the lane and the sidewalk is impassable; and

(d) Must return to the sidewalk as soon as practicable.

7. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 29. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. Where the signal is a flashing yellow turn arrow, displayed alone or in combination with another signal:

(a) Vehicular traffic facing the signal is permitted to cautiously enter the intersection only to make the movement indicated by the arrow signal, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic must yield the right-of-way to pedestrians lawfully within the intersection or an adjacent crosswalk and yield the right-of-way to other traffic lawfully within the intersection.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there may be insufficient time to cross the highway, but may proceed across the highway within the appropriate marked or unmarked crosswalk.

8. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as otherwise provided in paragraphs (c) and (d), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric ~~[foot]~~ scooter*** may proceed straight through or turn right or left if:

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle ***,*** ~~[or]~~ electric bicycle ~~[;]~~ ***or electric ~~[foot]~~ scooter;***

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

9. Where the signal is a steady red with a green turn arrow:

(a) Except as otherwise provided in paragraph (b), vehicular traffic facing the signal may enter the intersection only to make the movement indicated by

the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) A person driving a motorcycle, moped or trimobile or riding a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric ~~[foot]~~ scooter*** facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:

(1) The person stops before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made or, in the absence of any such crosswalk, sign or marking, before entering the intersection;

(2) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle ***,*** ~~[or]~~ electric bicycle ~~[;]~~ ***or electric ~~[foot]~~ scooter;***

(3) No other device at the place prohibits the turn, if applicable; and

(4) The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

10. If a person violates paragraph (d) of subsection 8 or paragraph (b) of subsection 9 and that violation results in an injury to another person, the violation creates a rebuttable presumption of all facts necessary to impose civil liability for the injury.

11. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

12. Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

13. A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an

intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

14. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.135.

Sec. 30. NRS 484B.350 is hereby amended to read as follows:

484B.350 1. The driver of a vehicle:

(a) Shall stop in obedience to the direction or traffic-control signal of a school crossing guard; and

(b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.

2. A person who violates subsection 1 is guilty of a misdemeanor.

3. If, while violating subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle *, an electric bicycle* ***or an electric*** [foot] ***scooter,*** the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

4. As used in this section, "school crossing guard" means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway.

Sec. 31. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:

(a) When there are no children present;

(b) On a day on which school is not in session;

(c) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(d) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(e) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

4. The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:

(a) On a day on which the school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

6. Each such governing body and the Department of Transportation shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include a designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present.

7. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

8. If, while violating any provision of subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ~~,~~ ***an electric bicycle or an electric*** ~~[foot]~~ ***scooter,*** the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

9. As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 32. NRS 484B.450 is hereby amended to read as follows:

484B.450 1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, in any of the following places:

(a) ~~[On]~~ ***Except as otherwise provided in subsection 3, on*** a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) Within 15 feet of a fire hydrant in a place where parallel parking is permitted, or within 20 feet of a fire hydrant if angle parking is permitted and a local ordinance requires the greater distance;

(e) On a crosswalk;

(f) Within 20 feet of a crosswalk;

(g) Within 30 feet upon the approach to any official traffic-control signal located at the side of a highway;

(h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;

(i) Within 50 feet of the nearest rail of a railroad;

(j) Within 20 feet of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within 75 feet of that entrance;

(k) Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic;

(l) On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;

(m) Upon any bridge or other elevated structure or within a highway tunnel;

(n) Except as otherwise provided in subsection 2, within 5 feet of a public or private driveway; and

(o) At any place where official traffic-control devices prohibit stopping, standing or parking.

2. The provisions of paragraph (n) of subsection 1 do not apply to a person operating a vehicle of the United States Postal Service if the vehicle is being operated for the official business of the United States Postal Service.

3. ***A person may park a bicycle, an electric bicycle or an electric*** ~~[foot]~~ ***scooter on a sidewalk provided that the bicycle, electric bicycle or electric***

***[foot]* scooter does not impede the normal and reasonable movement of pedestrians on the sidewalk.**

4. A person shall not move a vehicle not owned by the person into any prohibited area or away from a curb to a distance which is unlawful.

~~[4.]~~ *5.* A local authority may place official traffic-control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion stopping, standing or parking is dangerous to those using the highway or where the vehicles which are stopping, standing or parking would unduly interfere with the free movement of traffic. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on those devices.

Sec. 33. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ***, an electric bicycle or an electric [foot] scooter,*** the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 34. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➥ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle ***, an electric bicycle or an electric [foot] scooter,*** the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.
(b) For the second offense, shall be punished:
(1) By a fine of not less than $1,000 but not more than $1,500; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.
(c) For the third and each subsequent offense, shall be punished:
(1) By a fine of not less than $1,500 but not more than $2,000; or
(2) By both fine and imprisonment in the county jail for not more than 6 months.
4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:
(a) For the first offense:
(1) Shall be punished by a fine of not less than $250 but not more than $1,000;
(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and
(3) May be punished by imprisonment in the county jail for not more than 6 months.
(b) For the second offense:
(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;
(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and
(3) May be punished by imprisonment in the county jail for not more than 6 months.
(c) For the third and each subsequent offense:
(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;
(2) Shall perform 200 hours of community service; and
(3) May be punished by imprisonment in the county jail for not more than 6 months.
5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:
(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;
(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;
(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

7. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, “organize” means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 35. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.783, inclusive ~~[.]~~ ***, and section 24 of this act.***

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles ***,*** ~~[and]~~ electric bicycles ***and electric ~~[foot]~~ scooters*** apply whenever a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric ~~[foot]~~ scooter*** is operated upon any highway or upon any path set aside for the exclusive use of bicycles ***,*** ~~[or]~~ electric bicycles ***and electric ~~[foot]~~ scooters*** subject to those exceptions stated herein.

Sec. 36. NRS 484B.763 is hereby amended to read as follows:

484B.763 Every person riding a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric ~~[foot]~~ scooter*** upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle except as otherwise provided in NRS 484B.767 to 484B.783, inclusive, ***and section 24 of this act*** and except as to those provisions of chapters 484A to 484E, inclusive, of NRS which by their nature can have no application.

Sec. 37. NRS 484B.767 is hereby amended to read as follows:

484B.767 1. Except as otherwise provided in this section, a peace officer, a firefighter, an emergency medical technician, an advanced emergency medical technician or a paramedic certified pursuant to chapter 450B of NRS or an employee of a pedestrian mall, who operates a bicycle ***,***

~~[or]~~ an electric bicycle ***or an electric*** ~~***[foot]***~~ ***scooter*** while on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric*** ~~***[foot]***~~ ***scooter*** while on duty if he or she:

(a) Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or

(b) Determines that noncompliance with any such provision is necessary to carry out his or her duties.

2. The provisions of this section do not:

(a) Relieve a peace officer, firefighter, emergency medical technician, advanced emergency medical technician, paramedic or employee of a pedestrian mall from the duty to operate a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric*** ~~***[foot]***~~ ***scooter*** with due regard for the safety of others.

(b) Protect such a person from the consequences of the person's disregard for the safety of others.

3. As used in this section, "pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 38. NRS 484B.768 is hereby amended to read as follows:

484B.768 1. Except as otherwise provided in subsection 2, an operator of a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric*** ~~***[foot]***~~ ***scooter*** upon a roadway shall not turn from a direct course unless the movement may be made with reasonable safety and the operator gives an appropriate signal. The operator shall give the appropriate signal at least one time but is not required to give the signal continuously.

2. An operator of a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric*** ~~***[foot]***~~ ***scooter*** is not required to give a signal if:

(a) The bicycle ***,*** ~~[or]~~ electric bicycle ***or electric*** ~~***[foot]***~~ ***scooter*** is in a designated turn lane; or

(b) Safe operation of the bicycle ***,*** ~~[or]~~ electric bicycle ***or electric*** ~~***[foot]***~~ ***scooter*** requires the operator to keep both hands on the bicycle ***,*** ~~[or]~~ electric bicycle ~~[.]~~ ***or electric*** ~~***[foot]***~~ ***scooter.***

Sec. 39. NRS 484B.769 is hereby amended to read as follows:

484B.769 An operator of a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric*** ~~***[foot]***~~ ***scooter*** upon a roadway shall give all signals by hand and arm in the manner required by NRS 484B.420, except that the operator may give a signal for a right turn by extending his or her right hand and arm horizontally and to the right side of the bicycle ***,*** ~~[or]~~ electric bicycle ~~[.]~~ ***or electric*** ~~***[foot]***~~ ***scooter.***

Sec. 40. NRS 484B.770 is hereby amended to read as follows:

484B.770 1. A person propelling a bicycle or an electric bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

2. No bicycle ***,*** ~~[or]~~ electric bicycle ***or electric*** ~~***[foot]***~~ ***scooter*** shall be used to carry more persons at one time than the number for which it is designed and equipped.

Sec. 41. NRS 484B.773 is hereby amended to read as follows:

484B.773 No person riding upon any bicycle, electric bicycle, ***electric*** ~~***[foot]***~~ ***scooter,*** coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

Sec. 42. NRS 484B.777 is hereby amended to read as follows:

484B.777 1. Every person operating a bicycle ***,*** ~~[or]~~ an electric bicycle ***or electric*** ~~***[foot]***~~ ***scooter*** upon a roadway shall, except:

(a) When traveling at a lawful rate of speed commensurate with the speed of any nearby traffic;

(b) When preparing to turn left; or

(c) When doing so would not be safe,

➥ ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

2. Persons riding bicycles ***,*** ~~[or]~~ electric bicycles ***or electric*** ~~***[foot]***~~ ***scooters*** upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles ***,*** ~~[or]~~ electric bicycles ~~[.]~~ ***and electric*** ~~***[foot]***~~ ***scooters.***

Sec. 43. NRS 484B.780 is hereby amended to read as follows:

484B.780 No person operating a bicycle ***,*** ~~[or]~~ an electric bicycle ***or an electric*** ~~***[foot]***~~ ***scooter*** shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

Sec. 44. NRS 484B.783 is hereby amended to read as follows:

484B.783 1. Every bicycle ***,*** ~~[or]~~ electric bicycle ***or electric*** ~~***[foot]***~~ ***scooter*** when in use at night must be equipped with:

(a) A lamp on the front which emits a white light visible from a distance of at least 500 feet to the front;

(b) A red reflector on the rear of a type approved by the Department which must be visible from 50 feet to 300 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle; and

(c) Reflective material of a sufficient size and reflectivity to be visible from both sides of the bicycle for 600 feet when directly in front of the lawful lower beams of the headlamps of a motor vehicle, or in lieu of such material, a lighted lamp visible from both sides from a distance of at least 500 feet.

2. Every bicycle ***,*** ~~[or]~~ electric bicycle ***or electric*** ~~***[foot]***~~ ***scooter*** must be equipped with a brake which will enable the operator to make the wheels skid on dry, level, clean pavement.

Sec. 45. NRS 486.038 is hereby amended to read as follows:

486.038 "Moped" means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and

2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

➥ The term does not include an electric bicycle as defined in NRS 483.067 [.] ***or an electric [foot] scooter as defined in section 1 of this act.***

Sec. 46. NRS 486.041 is hereby amended to read as follows:

486.041 "Motorcycle" means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, excluding an electric bicycle as defined in NRS 483.067, ***an electric [foot] scooter as defined in section 1 of this act,*** a tractor and a moped.

Sec. 47. NRS 486A.110 is hereby amended to read as follows:

486A.110 "Motor vehicle" means every vehicle which is self-propelled, but not operated on rails, used upon a highway for the purpose of transporting persons or property. The term does not include:

1. An electric bicycle as defined in NRS 483.067;

2. ***An electric [foot] scooter as defined in section 1 of this act;***

3. A farm tractor as defined in NRS 482.035;

[3.] ***4.*** A moped as defined in NRS 482.069;

[4.] ***5.*** A motorcycle as defined in NRS 482.070; and

[5.] ***6.*** A vehicle having a manufacturer's gross vehicle weight rating of more than 26,000 pounds, unless the vehicle is designed for carrying more than 15 passengers.

Sec. 48. 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 16 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. 49. NRS 205.2741 is hereby amended to read as follows:

205.2741 1. It is unlawful for any person:

(a) To throw any stone, rock, missile or any substance at any bicycle, ***electric*** **~~[foot]~~** ***scooter as defined in section 1 of this act,*** or at any motorbus, truck or other motor vehicle; or

(b) Wrongfully to injure, deface or damage any bicycle, or any motorbus, truck or other motor vehicle, or any part thereof.

2. Any person who violates any of the provisions of subsection 1 is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged and in no event less than a misdemeanor.

Sec. 50. This act becomes effective **[**~~:~~

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

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

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 677 to Assembly Bill No. 485.
Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:
Amendment 677 makes five changes to Assembly Bill 485. The amendment removes "foot" from the definition of "electric foot scooter"; excludes electric bicycles and electric scooters from certain definitions in law; and adds electric bicycle and electric scooter to certain provisions that provide enhanced penalties for a driver who is the proximate cause of a collision with a pedestrian or a person riding a bicycle. It requires a scooter-share operator to maintain certain insurance coverage. Finally, it changes the effective date to upon passage and approval.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

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

Assembly in recess at 2:35 p.m.

ASSEMBLY IN SESSION

At 9:05 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:
Your Committee on Commerce and Labor, to which was referred Senate Bill No. 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.
Also, your Committee on Commerce and Labor, to which was rereferred Assembly Bill No. 77, 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 Taxation, to which was referred Assembly Bill No. 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

Mr. Speaker:
Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 420, 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.
Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 84, 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 Ways and Means, to which was rereferred Assembly Bill No. 168, 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 Ways and Means, to which was rereferred Assembly Bill No. 176, 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 Ways and Means, to which was rereferred Assembly Bill No. 236, 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 Ways and Means, to which was referred Assembly Bill No. 309, 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 Ways and Means, to which was rereferred Assembly Bill No. 338, 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 Ways and Means, to which was rereferred Assembly Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that all rules be suspended, reading so far had considered first or second reading, as appropriate, and all measures reported out of committee without second reading be declared emergency measures under the constitution and placed on General File and Third Reading for the remainder of the session.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 229, 356, 420, 446, 466, and 487; Senate Bill No. 312 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 77.

Bill read third time.

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

Amendment No. 897.

AN ACT relating to optometry; authorizing an assistant to perform activities relating to optometry under certain circumstances; providing for the certification of a mobile optometry clinic; providing for certification by endorsement to treat a person diagnosed with glaucoma; revising the acts which constitute the practice of optometry; revising certain exemptions relating to the practice of optometry; revising provisions governing the Nevada State Board of Optometry and the Executive Director of the Board; revising provisions governing the preparation of a roster of licensees; authorizing the Board to adopt certain policies; requiring the Board to establish, review and revise a schedule of fees; revising provisions which authorize the Board to impose certain penalties; revising provisions governing the qualification and examination of an applicant for a license to practice optometry; expanding the period required for the renewal of a license to practice optometry; revising provisions governing the restoration of a license to practice optometry; revising the requirements for certification to prescribe pharmaceutical agents;

revising provisions governing the issuance of a certificate to treat glaucoma; revising certain provisions governing disciplinary actions against a licensee; revising provisions relating to the submission of a complaint against a licensee; revising provisions governing the location at which a licensee practices optometry; prohibiting an optometrist from entering into certain leases with a person who is not licensed as an optometrist; prohibiting a person from directly or indirectly supervising an optometrist under certain circumstances; revising provisions governing service of process and the transmission of certain notices by the Board; authorizing any licensed optometrist to administer topical diagnostic ophthalmic agents; revising provisions governing the issuance of an ~~[injunction or the imposition of a criminal penalty or]~~ administrative fine for certain violations; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law extensively regulates the practice of optometry in this State, including, without limitation, provisions governing the: (1) creation of the Nevada State Board of Optometry; (2) issuance and renewal of a license to practice optometry; (3) issuance and renewal of a license for an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders; (4) certification of an optometrist to administer and prescribe therapeutic pharmaceutical agents; (5) issuance of a certificate to treat persons diagnosed with glaucoma; and (6) payment of fees for such licenses and certificates. (Chapter 636 of NRS) This bill makes numerous changes to the provisions of existing law governing the practice of optometry.

Sections 2, 35-39 and 60-62 of this bill revise provisions governing the administering and prescribing of a pharmaceutical agent by an optometrist. **Section 3** of this bill authorizes an assistant in any setting where optometry is practiced to fit ophthalmic lenses or spectacle lenses and perform certain other activities if the assistant acts under the direct supervision of a licensed optometrist. **Section 4** of this bill sets forth the requirements for the issuance of a certificate to own or operate a mobile optometry clinic. **Section 4.5** of this bill provides for the issuance of a certificate by endorsement to treat a person diagnosed with glaucoma. **Sections 6-9** of this bill revise the definitions of "advertise," "contact lens," "diagnostic pharmaceutical agents" and "prescription." **Section 10** of this bill expands the acts which constitute the practice of optometry to include, without limitation, removing eyelashes with forceps and closing the lacrimal punctum of an eye. **Section 10.5** of this bill revises **provisions concerning** the applicability of chapter 636 of NRS governing the practice of optometry. **Section 11** of this bill revises the circumstances under which a person is exempt from the provisions of chapter 636 of NRS regulating the practice of optometry.

Section 12 of this bill requires the Board to take certain actions at its first meeting held during each fiscal year. **Section 13** of this bill repeals provisions which require the Executive Director of the Board to file a performance bond with the Governor. **Section 14** of this bill clarifies that the Board may employ

consultants. **Section 15** of this bill amends certain provisions governing the filing of a complaint to initiate disciplinary action. **Section 17** of this bill requires the Board to periodically prepare and make available a roster of all licensees. **Section 18** of this bill authorizes the Board to adopt policies necessary to carry out the provisions of chapter 636 of NRS governing the practice of optometry. **Section 19** of this bill revises certain provisions governing the accreditation of schools which teach optometry. **Section 20** of this bill requires the Board to establish, review and revise a schedule of fees at least once every 2 years. **Section 20** also sets forth the maximum amount of fees that the Board may include in the schedule.

Section 21 of this bill revises provisions which authorize the Board to impose certain penalties against a person who engages in the practice of optometry in this State without a license to practice optometry or a renewal card for the license. **Sections 22-27** of this bill revise the requirements for the issuance of a license to practice optometry, including, without limitation, the examinations, scores and payment of fees required for the license. **Section 28** of this bill requires the payment of a fee for the renewal of a license for an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders and revises the period during which the license is effective.

Sections 29-33 of this bill provide for the renewal of and the payment of fees for the renewal of a license to practice optometry on certain dates occurring during even-numbered years. **Section 34** of this bill: (1) authorizes the restoration of a suspended license within 90 days after the license is suspended upon the completion of certain acts by the licensee; and (2) provides for the expiration of the license if those acts are not completed within that period.

Section 39 of this bill revises provisions relating to the prescription of a controlled substance by an optometrist.

Section 40 of this bill revises the circumstances under which an optometrist is required to obtain a certificate to treat persons diagnosed with glaucoma and to refer those persons to an ophthalmologist for treatment. **Section 41** of this bill revises the requirements which the Board must include in its regulations relating to the issuance of a certificate to treat persons diagnosed with glaucoma. **Section 41.5** of this bill clarifies that a person licensed to practice optometry in this State is subject to the jurisdiction of the Board regardless of whether the license is expired, suspended or revoked. **Section 41.5** also revises the manner in which the Board may discipline a licensee.

Sections 42-45 of this bill revise the acts which constitute sufficient cause for disciplinary action or which constitute unethical or unprofessional conduct. **Sections 46 and 47** of this bill revise the requirements for making and hearing a complaint against a licensee. **Sections 48.3 and 48.6** of this bill revise: (1) the manner in which a disciplinary hearing must be conducted; and (2) the actions that the Board may take upon finding by a preponderance of the evidence that a person has engaged in one or more grounds for disciplinary

action. **Section 48.9** of this bill repeals certain provisions which authorize the appeal of a decision to revoke or suspend a license.

Section 49 of this bill prohibits an optometrist from owning all or any portion of an optometry practice under an assumed or fictitious name unless the optometrist is issued a certificate of registration to practice optometry under the assumed or fictitious name at a specific location. An application for the certificate must be accompanied by certain proof satisfactory to the Board. **Section 49** also requires certain names to be displayed near the entrance of the office of an optometrist who is issued a certificate of registration. **Section 50** of this bill revises provisions relating to the unauthorized use of a license to practice optometry or a renewal card for the license. **Section 51** of this bill authorizes the Board or the Executive Director of the Board to issue a duplicate license and renewal card for each location at which a licensee practices optometry. **Section 52** of this bill requires a licensee to notify the Executive Director in writing before establishing an additional location to practice optometry. **Section 53** of this bill prohibits an optometrist from entering into certain leases with a person who is not licensed as an optometrist. **Section 53.5** of this bill prohibits a person who is not licensed as an optometrist from supervising an optometrist or controlling, dictating or influencing the professional judgment of a licensed optometrist. **Section 54** of this bill revises the requirements for an optometrist to collaborate with an ophthalmologist. **Section 55** of this bill sets forth the manner in which service of process must be made and authorizes the transmission by electronic mail or facsimile machine any notice that is required to be given by the Board or the Executive Director of the Board to a person. **Section 56** of this bill authorizes any licensed optometrist to administer topical diagnostic ophthalmic agents. **Section 57** of this bill revises provisions governing forms for prescriptions for contact lenses and prohibits a prescription for spectacle lenses from being construed in a certain manner. ~~[Section 57.5 of this bill authorizes the issuance of certain injunctions without proof of actual damage sustained by a person and specifies that the issuance of those injunctions does not relieve a person from criminal prosecution for any unauthorized practice of optometry.~~

~~Section 58 of this bill repeals certain provisions relating to the imposition of certain greater penalties for a violation of the provisions of chapter 636 of NRS governing the practice of optometry.]~~ **Section 59** of this bill provides that any person who is licensed under chapter 636 of NRS and who engages in certain grounds for disciplinary action is liable to the Board for an administrative fine of not more than $5,000 for each violation.

Section 64 of this bill repeals certain provisions governing the practice of optometry.

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

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.5, inclusive, of this act.

Sec. 2. ***"Pharmaceutical agent" means any topical or oral drug used or prescribed by a licensee for the examination, management or treatment of an abnormality, disease or condition of the eye or its appendages, including, without limitation, any analgesic drug subject to the requirements of NRS 636.2882 or added to schedule III, schedule IV or schedule V by the State Board of Pharmacy by regulation pursuant to NRS 453.146. The term does not include any drug or other substance added to schedule I or schedule II by the State Board of Pharmacy pursuant to that section.***

Sec. 3. ***1. In any setting where optometry is practiced, an assistant may fit ophthalmic lenses or spectacle lenses if the assistant acts under the direct supervision of a licensed optometrist.***

2. In addition to the provisions of subsection 1, an assistant in any setting where optometry is practiced may perform any of the following activities under the direct supervision of a licensed optometrist:

(a) Prepare a patient for examination.

(b) Collect preliminary data concerning a patient, including taking the medical history of the patient.

(c) Perform simple and noninvasive testing of a patient in preparation for any subjective refraction, testing, evaluation, interpretation, diagnosis or treatment of the patient by the licensed optometrist.

(d) For an ophthalmic purpose, administer any cycloplegic or mydriatic agent or topical anesthetic that is not a controlled substance.

(e) Use an ophthalmic device or oversee ocular exercises, visual training, visual therapy or visual rehabilitation as directed by a licensed optometrist.

3. If an assistant conducts any activities pursuant to subsection 2, the licensed optometrist must conduct the final eye examination of the patient.

4. As used in this section, "assistant" means a person employed by an optometrist or any medical provider or medical facility at which the optometrist provides or offers to provide his or her services as an optometrist.

Sec. 4. ***1. Notwithstanding any provision of this chapter to the contrary, a licensee, nonprofit or charitable organization, governmental agency or school in this State who obtains a certificate pursuant to this section may own or operate a mobile optometry clinic pursuant to this section. An application for the issuance or renewal of a certificate to own or operate the clinic must be submitted on a form approved by the Board and include any fees established by the Board pursuant to subsection 4. As soon as practicable after receiving an application and the appropriate fees, the Board shall approve or deny the application based upon the criteria established by the Board pursuant to subsection 4. A certificate issued to own or operate a mobile optometry clinic must be renewed on or before March 1 of each even-numbered year.***

2. A certified mobile optometry clinic may include any equipment required to operate the clinic, including, without limitation, a motor vehicle

or a motor vehicle and trailer which may be moved from one location to another. Any optometric services available at the clinic must be provided under the direction and control of a licensee. Any final examination of a patient at the mobile optometry clinic must be completed by the licensee.

3. A certified mobile optometry clinic may only provide optometric services to:

(a) Governmental agencies;

(b) Patients with impaired or restricted mobility;

(c) Members of low-income and other medically underserved groups in the State; and

(d) Academic programs.

4. The Board shall adopt:

(a) Regulations setting forth:

(1) The requirements for the issuance and renewal of a certificate to operate a mobile optometry clinic; and

(2) The amount of the fees for the issuance and renewal of the certificate; and

(b) Any other regulations necessary to carry out the provisions of this section.

Sec. 4.5. *1. The Board may issue a certificate by endorsement to treat a person diagnosed with glaucoma to an applicant who meets the requirements of this section.*

2. An applicant for a certificate by endorsement must submit an application to the Executive Director in a form prescribed by the Board. The application must include the following information:

(a) Proof satisfactory to the Board that the applicant:

(1) Holds a valid and unrestricted certificate or other credential approved by the Board to engage in the treatment of a person with glaucoma issued in any state, the District of Columbia, the Commonwealth of Puerto Rico or any other territory or possession of the United States ~~[;]~~ *which the Board has determined was issued in accordance with requirements that are substantially similar to those applicable to the issuance of a certificate to treat persons diagnosed with glaucoma in this State pursuant to NRS 636.2893; and*

(2) Has ~~[not previously been held criminally or civilly liable for any malpractice relating to his or her certificate or other credential to treat a person with glaucoma;]~~ *had no adverse actions reported to the National Practitioner Data Bank, or its successor organization, within the past 5 years;*

(b) An affidavit stating that the information set forth in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement to treat a person diagnosed with glaucoma, the Executive Director shall provide a written notice to the applicant if any

additional information is required to consider the application. Unless the application is denied for good cause, the Board shall approve the application and issue a certificate to treat a person diagnosed with glaucoma by endorsement within 45 days after receiving the application.

Sec. 5. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to ~~[636.024,]~~ ***636.023,*** inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 636.016 is hereby amended to read as follows:

636.016 "Advertise" means the commercial use of any medium, including, but not limited to, ***any brochures or business cards,*** the ***Internet,*** radio or television, or a newspaper, magazine, sign or other printed ~~[matter,]~~ ***or electronic medium,*** by an optometrist to bring the services or materials offered by the optometrist to the attention of members of the general public.

Sec. 7. NRS 636.018 is hereby amended to read as follows:

636.018 "Contact lens" means an ophthalmic lens prescribed for application on the anterior surface of the eye. ***The term includes any plano lens or cosmetic lens.***

Sec. 8. NRS 636.019 is hereby amended to read as follows:

636.019 "Diagnostic pharmaceutical agents" means ~~[topical ophthalmic anesthetics and topical cycloplegics, miotics and mydriatics.]~~ ***any topical or oral agents used to examine and diagnose conditions of the eye or adnexa.***

Sec. 9. NRS 636.022 is hereby amended to read as follows:

636.022 "Prescription" means:

1. An order given individually for the person for whom prescribed, directly from a licensed optometrist who is certified to prescribe and administer ~~[therapeutic]~~ pharmaceutical agents pursuant to NRS 636.288, or his or her agent, to a pharmacist or indirectly by means of an order signed by the licensed optometrist or an electronic transmission from the licensed optometrist to a pharmacist; or

2. A written direction from a licensed optometrist to:

(a) Prepare an ophthalmic lens for a patient; or

(b) Dispense a prepackaged contact lens that does not require any adjustment, modification or fitting.

Sec. 10. NRS 636.025 is hereby amended to read as follows:

636.025 1. The acts set forth in this section, or any of them, whether done severally, collectively or in combination with other acts that are not set forth in this section constitute practice in optometry within the purview of this chapter:

(a) Advertisement or representation as an optometrist.

(b) Adapting, or prescribing or dispensing, without ***~~[a valid]~~*** prescription by a practitioner of optometry or medicine licensed in this State, any ophthalmic lens, frame or mounting, or any part thereof, for correction, relief or remedy of any abnormal condition or insufficiency of the eye or any appendage or visual process. The provisions of this paragraph do not prevent an optical

mechanic from doing the mere mechanical work of replacement or duplication of the ophthalmic lens or prevent a licensed dispensing optician from engaging in the practice of ophthalmic dispensing . ~~*[in accordance with the provisions of chapter 637 of NRS.]*~~

(c) The examination ***, evaluation, diagnosis and treatment*** of the human eye and its appendages, the measurement of the powers or range of human vision ~~[,]~~ ***by any means, including, without limitation, the use of an autorefractor or other automated testing device, unless performed under the direct responsibility of a licensed optometrist as authorized in section 3 of this act,*** the determination of the accommodative and refractive states of the eye or the scope of its function in general, or the diagnosis or determination of any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(d) Prescribing, directing the use of or using any optical device in connection with ocular exercises, orthoptics ***, vision rehabilitation, vision therapy*** or visual training.

(e) The prescribing of contact lenses.

(f) The measurement, ***initial*** fitting ***, as defined in NRS 636.387,*** or adaptation of contact lenses to the human eye except under the direction ***, responsibility*** and supervision of ~~[a physician, surgeon or]~~ ***an*** optometrist licensed in the State of Nevada ~~[.]~~ ***as authorized in section 3 of this act.***

(g) The topical use of ~~[diagnostic]~~ pharmaceutical agents to determine any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(h) Prescribing, directing the use of or using a ~~[therapeutic]~~ pharmaceutical agent ***or device*** to treat an abnormality of the eye or its appendages.

(i) Removing a foreign object from the surface or epithelium of the eye.

(j) ***Removing eyelashes with forceps.***

(k) Closing the lacrimal punctum of the eye.

(l) The ordering ***or performing*** of laboratory tests ***or imaging*** to assist in the diagnosis of an abnormality of the eye or its appendages.

2. The provisions of this section do not authorize an optometrist to engage in any practice which includes:

(a) ~~[The incision or suturing of the eye or its appendages;]~~ ***Any procedure using a laser, scalpel, needle or other instrument in which any human tissue is cut, burned or vaporized by incision, injection, ultrasound, laser, infusion, cryotherapy, radiation or other means;*** or

(b) ~~[The use of lasers for surgical purposes.]~~ ***Any procedure using an instrument which requires the closure of human tissue by suture, clamp or similar device.***

Sec. 10.5. NRS 636.027 is hereby amended to read as follows:

636.027 This chapter ~~[shall]~~ ***:***

1. Applies to any person who is licensed to practice optometry pursuant to this chapter and any other person engaged in the practice of optometry in this State.

2. ***Must*** not be construed to apply to physicians and surgeons duly licensed to practice in this State.

Sec. 11. NRS 636.028 is hereby amended to read as follows:

636.028 1. Except as provided in subsection 2, a person is exempt from the provisions of this chapter regulating the practice of optometry if the person is engaged in a clinical program of a school or college of optometry accredited by the Board and if the person is [~~:~~

~~(a) A~~] ***a*** student who is enrolled in a clinical program of an undergraduate or graduate course of study in optometry at such a school or college [~~; or~~

~~(b) Licensed to practice optometry in another state and is employed as a clinician or instructor at such a school or college.~~] ***and who has not received a degree of doctor of optometry.***

2. A person who is employed as a clinician or instructor and who engages in the practice of optometry in this State is required to be licensed by the Board.

Sec. 12. NRS 636.080 is hereby amended to read as follows:

636.080 1. [~~Within a reasonable time after the appointment of a new member,~~] ***At the first meeting of the Board held each fiscal year,*** the Board shall meet and organize by electing from its membership a President who shall hold office for 1 year and until the election and qualification of his or her successor.

2. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive compensation as set by the Board. The Executive Director must not be a member of the Board. If a vacancy occurs in the position of Executive Director, the Board may appoint one of its members to perform the duties of the Executive Director until the position is filled. A member of the Board who is appointed to perform the duties of the Executive Director is not entitled to receive any [~~additional~~] compensation for performing those duties.

Sec. 13. NRS 636.085 is hereby amended to read as follows:

636.085 [~~1.~~] The Executive Director shall [~~, before undertaking the duties of Executive Director, make and deliver to the Governor a good and sufficient bond payable to the State of Nevada for the benefit of the Board, in the amount designated by the Board, conditioned upon the faithful performance of his or her duties as Executive Director. The Executive Director shall file a copy of the bond with the Board.~~

~~2. The Executive Director shall~~] receive, maintain and disburse money on behalf of the Board and shall perform all duties imposed upon him or her pursuant to the provisions of this chapter and such other duties as the Board may prescribe.

Sec. 14. NRS 636.090 is hereby amended to read as follows:

636.090 1. The Board may employ:

(a) Agents and inspectors to secure evidence of, and report on, violations of this chapter.

(b) Attorneys, investigators ***, consultants*** and other professional [~~consultants~~] and clerical personnel necessary to administer this chapter.

2. The Attorney General may act as counsel for the Board subject to the provisions of NRS 622A.200.

Sec. 15. NRS 636.107 is hereby amended to read as follows:

636.107 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential [.] ***unless the person against whom the complaint is filed submits a written statement to the Board requesting that the documents and other information be made public records.***

2. The [complaint or other] ***charging*** document [filed by] the Board ***uses*** to initiate disciplinary action ***pursuant to chapter 622A of NRS*** and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information in the Board's possession concerning a licensee or pending investigation to any other licensing board or any other governmental agency that is investigating a person, including, without limitation, a law enforcement agency, agency of the federal government, licensing board in this State or any other state or territory of the United States. If any confidential information concerning an investigation is provided to another governmental agency pursuant to this section, the information remains confidential and may not be provided to any other person or governmental agency. To the extent practicable, any governmental agency that receives any confidential information from the Board pursuant to this section shall treat the information as confidential.

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 636.120 is hereby amended to read as follows:

636.120 [Once each year, the] ***The*** Board shall ***periodically*** prepare and [distribute] ***make available*** to all licensees a roster containing their names and ***mailing*** addresses.

Sec. 18. NRS 636.125 is hereby amended to read as follows:

636.125 The Board may adopt ***policies*** [rules] and regulations necessary to carry out the provisions of this chapter.

Sec. 19. NRS 636.135 is hereby amended to read as follows:

636.135 The Board shall accredit schools ***, or approve the accreditation of schools by any nationally recognized accrediting organization or agency,*** in and out of this State teaching the science and art of optometry which it finds [are giving] ***provide*** a sufficient and thorough course of study for the preparation of optometrists.

Sec. 20. NRS 636.143 is hereby amended to read as follows:

636.143 [1. The] ***At least once every 2 years, the*** Board shall ***review and, if the Board deems it necessary,*** establish ***or revise,*** within the limits prescribed a schedule of fees for the following purposes:

	~~[Not less than~~	~~Not more than~~
~~Examination~~	~~$100~~	~~$500~~
~~Reexamination~~	~~100~~	~~500~~
~~Issuance of each license or duplicate license, including a license by endorsement~~	~~35~~	~~75~~
~~Renewal of each license or duplicate license~~	~~100~~	~~500~~
~~Issuance of a license for an extended clinical facility~~	~~100~~	~~500~~
~~Issuance of a replacement renewal card for a license~~	~~10~~	~~50~~

~~2. If an applicant submits an application for a license by endorsement pursuant to NRS 636.207, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.]~~

	Not more than
1. Examinations	***$250***
2. Applications for the issuance of a 1-year license	***$600***
3. Renewal of a license	***$1,200***
4. Granting certification or issuing certificates	***$1,000***
5. Licensing of extended clinical facilities and other practice locations	***$500***
6. Individually verifying licensure or disciplinary status	***$100***
7. Late fee	***$1,000***
8. Any other service provided by the Board pursuant to this chapter	***$1,000***

Sec. 21. NRS 636.145 is hereby amended to read as follows:

636.145 1. A person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. ***The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.***

3. In addition to any other penalty prescribed by law, if the Board ***, after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS,*** determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist ***from the practice of optometry*** until the person obtains ***a license*** from the Board ***.*** ~~[the~~

~~proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must include a telephone number with which the person may contact the Board.]~~

(b) Issue a citation to the person. ~~[A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.~~

~~(c) Assess against the person an administrative fine as provided in NRS 636.420.~~

~~(d)]~~ ***(c)*** Impose any combination of the penalties set forth in paragraphs (a) ~~[,]~~ ***and*** (b) **.** ~~[and (c).]~~

4. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.

5. Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.

Sec. 22. NRS 636.150 is hereby amended to read as follows:

636.150 Except as otherwise provided in NRS 636.206 and 636.207, any ~~***[Any]***~~ person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;

2. ~~[Make application for an examination;~~

~~3.]~~ Take and pass ~~[the]~~ ***each*** examination ~~[;~~

~~4.]~~ ***identified, administered or approved by the Board;***

3. Pay the prescribed fees; and

~~[5.]~~ ***4.*** Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 23. NRS 636.155 is hereby amended to read as follows:

636.155 Except as otherwise provided in NRS 636.206 and 636.207, an ~~***[An]***~~ applicant must file with the Executive Director satisfactory proof that the applicant:

1. Is at least 21 years of age;

2. Is a citizen of the United States or is lawfully entitled to reside and work in this country;

3. ~~[Is of good moral character;~~

~~4. Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and~~

~~5.]~~ Has graduated from a school of optometry accredited ***or approved*** by the ~~[established professional agency and the Board, maintaining a standard of~~

~~6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.~~**]** ***Board pursuant to NRS 636.135;***

4. Has passed each part of the comprehensive national optometry examination administered by the National Board of Examiners in Optometry or its successor;

5. Has passed each examination identified, administered or approved by the Nevada State Board of Optometry pursuant to NRS 636.150; and

6. Has not been disciplined for harming a patient as a licensed optometrist in another state.

Sec. 24. NRS 636.170 is hereby amended to read as follows:

636.170 **[**~~1. The Board shall:~~

~~(a) Conduct a regular annual examination, and may conduct a special examination when it deems that circumstances warrant such examination.~~

~~(b) Fix and announce the time and place of any examination at least 30 days prior to the day when it is to be commenced.~~

~~2.~~**]** The member of the Board who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the Board.

Sec. 25. NRS 636.180 is hereby amended to read as follows:

636.180 An examination must:

1. Be practical in character and design as determined by the Board;

2. Test the fitness of the examinee to practice optometry; ***and***

3. Be prepared and administered by the Board or a testing agency that has been designated by the Board to conduct its examinations ***.*** **[**~~; and~~

~~4. Be conducted in the English language.~~**]**

Sec. 26. NRS 636.190 is hereby amended to read as follows:

636.190 Except as otherwise provided in NRS 622.090, a grade of **[**~~75~~**]** ***70*** or higher for each area tested **[**~~on the examination~~**]** is required to pass **[**~~an~~**]** ***the*** examination.

Sec. 27. NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license for each person who has satisfied the requirements of NRS 636.150, ***636.155,*** 636.206 or 636.207 and submitted all information ***and fees*** required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and

2. **[**~~Be signed by each member~~**]** ***Bear the signatures*** of the ***President of the*** Board **[**~~.~~**]** ***and the Executive Director.***

Sec. 28. NRS 636.227 is hereby amended to read as follows:

636.227 1. The Board may grant a license to an accredited school or college of optometry to establish an extended clinical facility for the treatment of visual disorders and shall adopt reasonable regulations and establish procedures for such purpose. If a license is granted, it is effective **[**~~for~~**]** only **[**~~1~~**]**

until February 28 of the next even-numbered year unless renewed by the Board [.] ***upon payment of the fee for the renewal of the license established pursuant to NRS 636.143.***

2. An accredited school or college of optometry which desires to establish an extended clinical facility for the treatment of visual disorders in this State must apply to the Board for a license, and the application must contain the following information:

(a) The name and address of the proposed facility;

(b) The date when the school or college desires to commence operation of the facility;

(c) A brief description of the facility and of the equipment which will be available for use there;

(d) The kinds of optometric services to be rendered; and

(e) The name and address of each instructor or clinician to be employed at the facility, his or her academic qualifications and any licenses which entitle the instructor or clinician to practice optometry in this or any other state.

3. Every school or college of optometry which operates a licensed facility in this State shall notify the Board if the school or college changes its instructors or clinicians, the location of the facility or the content of a clinical program.

4. Nothing in this section authorizes a licensed optometrist to engage in any acts which are beyond the scope of his or her license issued in accordance with the provisions of this chapter.

5. For the purposes of this section, "extended clinical facility for the treatment of visual disorders" means a clinical facility which renders optometric services and is operated by an accredited school or college of optometry, but which is located beyond the boundaries of the principal campus of the school or college.

Sec. 29. NRS 636.250 is hereby amended to read as follows:

636.250 A license issued under this chapter or any former law must be renewed pursuant to the provisions of NRS 636.250 to 636.285, inclusive, before March 1 of each ***even-numbered*** year.

Sec. 30. NRS 636.255 is hereby amended to read as follows:

636.255 The Executive Director shall [mail] ***provide*** a notice of ***the deadline for the*** renewal ***of a license*** to each licensee before February 1 of each ***even-numbered*** year. The failure of the Executive Director to notify a licensee does not excuse the licensee from the requirements of NRS 636.250.

Sec. 31. NRS 636.260 is hereby amended to read as follows:

636.260 1. Before March 1 of each ***even-numbered*** year, each licensee shall pay a renewal fee to the Executive Director in the amount [specified in] ***established pursuant to*** NRS 636.143. For the purposes of this subsection, the date of the postmark on any payment received by mail shall be deemed to be the date of receipt by the Executive Director.

2. The renewal fee must be accompanied by satisfactory evidence that the licensee has, within the immediately preceding [12-month] ***24-month*** period,

completed the required number of hours in a course or courses of continuing education that have been approved by the Board. This evidence must be indicated on the form for proof of completion of continuing education that is furnished by the Board. The Board shall not require a licensee to complete more than [~~24~~] ***40*** hours of continuing education during each [~~year.~~] ***period of renewal.*** The Board may waive the requirement that a licensee complete all or part of the required number of hours of continuing education upon good cause shown by the licensee.

3. A licensee who is certified to administer and prescribe [~~therapeutic~~] pharmaceutical agents pursuant to NRS 636.288 must, at the time of paying the renewal fee, present evidence satisfactory to the Executive Director that, during the [~~12~~] ***24*** months immediately preceding the payment of the renewal fee, the licensee completed an educational or postgraduate program approved by the Board. The Board shall establish the number of hours for completion of the program which must be not less than [~~30~~] ***50*** hours nor more than [~~50~~] ***100*** hours.

Sec. 32. NRS 636.265 is hereby amended to read as follows:

636.265 Upon payment of the renewal fee, submission of evidence of completion of the required number of hours of continuing education and submission of all information required to complete the renewal, the Executive Director shall execute and issue a renewal card for the license to the licensee, certifying that the license has been renewed for a [~~12-month~~] ***24-month*** period beginning March 1 of each ***even-numbered*** year. The renewal card must indicate the address of the place of the licensee's practice for which the card is issued and be displayed prominently at that location. The renewal card must be signed by the Executive Director ***.*** [~~and sealed with the seal of the Board.~~]

Sec. 33. NRS 636.270 is hereby amended to read as follows:

636.270 If a licensee fails to comply with the provisions of NRS 636.260 on or before the prescribed date, the license must be suspended effective March 1 [~~,~~] ***of the year of the prescribed date*** and must remain suspended until it is restored in the manner specified in NRS 636.275 [~~.~~] ***or expires pursuant to that section, whichever occurs first.***

Sec. 34. NRS 636.275 is hereby amended to read as follows:

636.275 1. A license which has been suspended for failure of the licensee to pay the [~~annual~~] renewal fee ***,*** [~~or~~] to submit all information required to complete the renewal ***or to submit evidence of completion of the required number of hours of continuing education*** may be restored at any time [~~during the calendar year~~] ***within 90 days after the suspension of the license*** upon the licensee:

(a) Paying the [~~annual~~] ***renewal*** fee;

(b) Paying [~~the Executive Director~~] a [~~nonrenewal penalty~~] ***late fee*** in the amount prescribed by [~~NRS 636.285; and~~] ***the Board;***

(c) Submitting all required information [~~.~~

~~2. A license which has been suspended for failure of the licensee to submit evidence of completion of~~] ***; and***

(d) ***Completing*** the required number of hours of continuing education **.** [may be restored upon the licensee completing the continuing education, if such completion occurs during the calendar year in which the suspension has occurred.

— 3.] ***2.*** Any license suspended pursuant to the provisions of NRS 636.270 [must be revoked at the end of the calendar year during which it was suspended] ***expires 91 days after the suspension of the license*** unless the license is restored pursuant to subsection 1 **.** [or 2.]

Sec. 35. NRS 636.286 is hereby amended to read as follows:

636.286 An optometrist shall not administer or prescribe a [therapeutic] pharmaceutical agent ***other than a diagnostic pharmaceutical agent*** unless the optometrist has obtained a certificate pursuant to NRS 636.288.

Sec. 36. NRS 636.287 is hereby amended to read as follows:

636.287 The Board shall adopt regulations which prescribe the requirements for certification to administer and prescribe [therapeutic] pharmaceutical agents pursuant to NRS 636.288. The requirements must include:

1. A license to practice optometry in this State;

2. The successful completion of the "Treatment and Management of Ocular Disease Examination" administered by the National Board of Examiners in Optometry [on or after January 1, 1993,] or an equivalent examination approved by the Board; and

3. The successful completion of not fewer than 40 hours of clinical training in administering and prescribing [therapeutic] pharmaceutical agents in a training program which is conducted by an ophthalmologist and approved by the Board.

Sec. 37. NRS 636.288 is hereby amended to read as follows:

636.288 The Board shall provide to:

1. Each optometrist who has complied with the requirements adopted by the Board pursuant to NRS 636.287, a certificate to administer and prescribe [therapeutic] pharmaceutical agents.

2. The State Board of Pharmacy the name of each optometrist it certifies pursuant to this section.

Sec. 38. NRS 636.2881 is hereby amended to read as follows:

636.2881 The Board shall, by regulation, require each optometrist who is certified to administer and prescribe [therapeutic] pharmaceutical agents pursuant to NRS 636.288 and who is registered to dispense controlled substances pursuant to NRS 453.231 to complete at least 2 hours of training relating specifically to the misuse and abuse of controlled substances, the prescribing of opioids or addiction during each period of licensure. Any licensee may use such training to satisfy 2 hours of any continuing education requirement established by the Board.

Sec. 39. NRS 636.2882 is hereby amended to read as follows:

636.2882 An optometrist who is certified to administer and prescribe a [therapeutic] pharmaceutical agent pursuant to NRS 636.288 shall not

prescribe ~~[an analgesic of hydrocodone with compounds, codeine with compounds or propoxyphene with compounds]~~ ***a controlled substance*** unless the optometrist:

1. Has completed an optometric examination of the patient for whom the ~~[therapeutic pharmaceutical agent]~~ ***controlled substance*** is prescribed;

2. Prescribes the ~~[therapeutic pharmaceutical agent]~~ ***controlled substance*** in an amount that ***does not exceed 90 morphine milligram equivalents per day and*** will not last more than 72 hours; and

3. Sets forth in the prescription for the ~~[therapeutic pharmaceutical agent]~~ ***controlled substance*** that the prescription may not be refilled ~~[.]~~ ***without a subsequent examination of the patient by the optometrist.***

Sec. 40. NRS 636.2891 is hereby amended to read as follows:

636.2891 1. An optometrist shall not treat a person diagnosed with glaucoma unless the optometrist has been issued a certificate by the Board pursuant to NRS 636.2895 ~~[.]~~ ***or certification by endorsement pursuant to section 4.5 of this act.***

2. An optometrist ~~[who]~~ ***, regardless of whether he or she*** has been issued a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895 ***or certification by endorsement pursuant to section 4.5 of this act,*** shall refer a patient diagnosed with glaucoma to an ophthalmologist for treatment if any one of the following is applicable:

(a) The patient is under 16 years of age.

(b) The patient has been diagnosed with ~~[malignant]~~ ***any type of*** glaucoma ~~[or neovascular]~~ ***other than open angle*** glaucoma.

(c) The patient has been diagnosed with acute closed angle glaucoma. The provisions of this paragraph do not prohibit the optometrist from administering ***any*** appropriate ***, nonsurgical*** emergency treatment to the patient.

~~[(d) The patient's glaucoma is caused by diabetes, and, after joint consultation with a physician who is treating the diabetes and an ophthalmologist, the physician or ophthalmologist determines that the patient should be treated by an ophthalmologist. If an optometrist determines that a patient's glaucoma is caused by diabetes, the optometrist shall consult with a physician and ophthalmologist in the manner provided in this paragraph.]~~

Sec. 41. NRS 636.2893 is hereby amended to read as follows:

636.2893 The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2895. The requirements must include, without limitation:

1. A license to practice optometry in this State;

2. The successful completion of the "Treatment and Management of Ocular Disease Examination" administered by the National Board of Examiners in Optometry ~~[on or after January 1, 1993,]~~ or an equivalent examination approved by the Board; ~~[and]~~

3. Proof that each optometrist who applies for a certificate has treated at least 15 persons who were:

(a) Diagnosed with glaucoma by an ophthalmologist licensed in this State; and

(b) Treated by the optometrist, in consultation with that ophthalmologist, for at least 12 consecutive months ~~[.]~~ ***; and***

4. A certificate to administer and prescribe pharmaceutical agents issued pursuant to NRS 636.288.

Sec. 41.5. NRS 636.290 is hereby amended to read as follows:

636.290 ***1.*** Any person licensed pursuant to the provisions of this chapter or engaged in the unlawful practice of optometry without a license may be disciplined by the Board for cause in the manner specified in this chapter. ***A person licensed to practice optometry in this State is subject to the jurisdiction of the Board for any act specified in this chapter, regardless of whether the license is expired, suspended or revoked.***

2. Unless the Board takes action pursuant to NRS 636.325, the Board may discipline a licensee for a violation of any provision of this chapter or regulation adopted pursuant to this chapter in one or more of the following ways, with or without the imposition by the Board of a monetary penalty:

(a) Issuing a letter of public reprimand;

(b) Issuing an order to cease and desist;

(c) Issuing an order of probation for a specified period, with or without conditions;

(d) Issuing an order of suspension for a specified period, with or without conditions; or

(e) Issuing an order of revocation, with or without permission to apply for licensure at a future date.

Sec. 42. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. ~~[Affliction of the licensee with any communicable disease likely to be communicated to other persons.~~

~~2.]~~ Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

~~[3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.~~

~~4.]~~ ***2.*** Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

~~[5.]~~ ***3.*** Habitual drunkenness or addiction to any controlled substance.

~~[6.]~~ ***4.*** Gross incompetency.

~~[7.]~~ ***5.*** Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

~~[8.]~~ ***6.*** Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

~~[9.]~~ ***7.*** Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

~~[10.]~~ ***8.*** Perpetration of unethical or unprofessional conduct in the practice of optometry.

~~[11. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:~~

~~(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;~~

~~(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or~~

~~(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.~~

~~12.]~~ ***9.*** Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

~~[13.]~~ ***10.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

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

~~[14. Failure to obtain any training required by the Board pursuant to NRS 636.2881.~~

~~15.]~~ ***11.*** Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507, 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

~~[16.]~~ ***12.*** Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV.

13. ~~***[Failure to comply with any provision of chapter 89 of NRS relating to a professional entity or association that offers optometric services.***~~

~~***14.]***~~ ***Any violation of a state or federal law or regulation relating to or involving the practice of optometry, including, without limitation, a violation relating to:***

(a) The organizational structure or control of any optometric practice or entity;

(b) The maintenance, availability or distribution of any medical record of a patient;

(c) The improper disclosure of any protected information of a patient; and

(d) Fraud.

Sec. 43. NRS 636.300 is hereby amended to read as follows:

636.300 The following acts, among others, constitute unethical or unprofessional conduct:

1. Association as an optometrist with any person, firm or corporation violating this chapter.

2. Accepting employment, directly or indirectly, from a person not licensed to practice optometry in this State to assist the person in such practice or enabling the person to engage therein, except as authorized in NRS 636.347.

3. Signing the prescription blanks of another ~~[optometrist]~~ ***person*** or allowing another ~~[optometrist]~~ ***person*** to use his or her prescription blanks.

~~[4. Except as otherwise provided in NRS 636.372 and 636.373, practicing in or on premises where any materials other than those necessary to render optometric examinations or services are dispensed to the public, or where a business is being conducted not exclusively devoted to optometry or other healing arts and materials or merchandise are displayed having no relation to the practice of optometry or other healing arts.]~~

Sec. 44. NRS 636.301 is hereby amended to read as follows:

636.301 The following acts, among others, constitute unethical or unprofessional conduct:

1. Division of fees with another optometrist or a health maintenance organization, except where the division is made in proportion to the services performed for the patient and the responsibility assumed by each.

2. Division of fees or any understanding or arrangement ***which is designed or tends to impair, influence or affect the independent judgment or practice of the optometrist*** with any person who is not an optometrist or a health maintenance organization, unless in accordance with NRS 636.374.

Sec. 45. NRS 636.302 is hereby amended to read as follows:

636.302 The following acts, among others, constitute unethical or unprofessional conduct:

1. ~~[Making a house-to-house canvass, either in person or by another person, for advertising, selling or soliciting the sale of eyeglasses, frames, lenses, mountings, or optometric examinations or services.~~

~~2.]~~ Circulating or publishing, directly or indirectly, any false, fraudulent or misleading statement as to optometric materials or services, his or her method of practice or skill, or the method of practice or skill of any other licensee.

~~[3.]~~ ***2.*** Advertising in any manner that will tend to deceive, defraud or mislead the public.

~~[4.]~~ ***3.*** Advertising, directly or indirectly, free optometric examinations ***.*** ~~[or services.]~~

Sec. 46. NRS 636.305 is hereby amended to read as follows:

636.305 ***1.*** A complaint may be made against a licensee by:

~~[1.]~~ ***(a)*** An ~~[agent]~~ ***employee*** or ~~[inspector employed by]~~ ***contractor of*** the Board; ***or***

~~[2.]~~ ***(b)*** Any ~~[other]~~ licensee ~~[;]~~ or

[~~3. Any aggrieved~~**]** ***other*** person,

➥ **[**~~charging~~**]** ***alleging*** one or more **[**~~of the causes~~**]** ***grounds*** for disciplinary action **[**~~with such particularity as to enable the defendant licensee to prepare a defense.~~**]** ***set forth in NRS 636.295.***

2. As soon as practicable after a complaint is filed with the Board, the Executive Director or his or her designee shall review the complaint. If the Executive Director determines that the complaint is not frivolous and alleges one or more of the grounds for disciplinary action set forth in NRS 636.295, the Board, through the Executive Director, shall cause the complaint to be investigated.

3. The Board shall retain each complaint received pursuant to this section for not less than 10 years, including, without limitation, any complaint which is not acted upon.

Sec. 47. NRS 636.310 is hereby amended to read as follows:

636.310 ***1.*** A complaint **[**~~must~~**]** ***:***

(a) Must be made in writing **[**~~. The original complaint and two copies must be filed with the Executive Director. A complaint may~~**]** ***and be signed and sworn to or affirmed by the person making it.***

(b) May not be filed anonymously **[**~~. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.~~**]** ***, except that the identity of the complainant must remain confidential upon request by the complainant and until the complainant waives that confidentiality.***

2. If the Executive Director or his or her designee determines that a complaint filed with the Board relates to any matter within the jurisdiction of another regulatory body in this title or chapter 437 of NRS, the Executive Director shall refer the complaint to the that regulatory body.

3. The provisions of subsection 2 do not prohibit the Executive Director or his or her designee from investigating a complaint which relates to any matter within the jurisdiction of the Board or from notifying the Board of that matter for further consideration by the Board if deemed necessary by the Board after an investigation.

4. Any member, employee, contractor or officer of the Board is immune from any civil liability for any decision made or action taken in good faith and without malicious intent in carrying out the provisions of this section.

Sec. 48. (Deleted by amendment.)

Sec. 48.3. NRS 636.320 is hereby amended to read as follows:

636.320 **[**~~The~~**]** ***Any disciplinary*** hearing of a formal charge ***relating to an alleged ground for disciplinary action set forth in NRS 636.295*** must be conducted **[**~~publicly by the Board. The licensee against whom the charge is filed must be accorded the right to appear in person and by legal counsel, and given adequate opportunity to confront the witnesses against him or her, to testify and introduce the testimony of witnesses in his or her behalf, and to~~

~~submit argument and brief in person or by counsel.]~~ ***in accordance with the provisions of chapters 233B, 622 and 622A of NRS.***

Sec. 48.6. NRS 636.325 is hereby amended to read as follows:

636.325 1. ~~[Upon conclusion of the hearing, or waiver thereof by the person against whom the charge is filed, the Board shall make and announce its decision.]~~ If the Board ~~[determines that the allegations included in the charge are true,]~~ ***finds by a preponderance of the evidence that a person has engaged in one or more grounds for disciplinary action set forth in NRS 636.295,*** it may take any one or more of the following actions:

(a) Publicly reprimand the licensee ~~[;]~~ ***and impose any terms or conditions deemed necessary by the Board;***

(b) Place the licensee on probation for a specified or unspecified period ~~[;]~~ ***and impose any conditions deemed necessary by the Board;***

(c) Suspend the ~~[licensee from practice for a specified or unspecified period;]~~ ***license of the person for not more than 1 year and impose any terms or conditions deemed necessary by the Board;***

(d) Revoke the ~~[licensee's]~~ license ~~[; or]~~ ***of the person and impose any terms or conditions for reinstatement of the license deemed necessary by the Board;***

(e) Impose an administrative fine pursuant to the provisions of NRS 636.420 ~~[.~~

~~➥ The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.]~~ ***;***

(f) Limit the person's practice of optometry;

(g) Suspend the enforcement of any penalty by placing the person on probation, which the Board may revoke if the person fails to comply with any condition of probation imposed by the Board;

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Board, and the person must be responsible for any expense incurred for providing those services;

(i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the person;

(j) Require the person to pay for any costs of remediation or restitution; or

(k) Take any combination of the actions specified in paragraphs (a) to (j), inclusive.

2. ~~[If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.~~

~~3.]~~ The Board shall not issue a private reprimand.

~~[4.]~~ ***3.*** An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 48.9. NRS 636.337 is hereby amended to read as follows:

636.337 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 636.110 is subject to the same procedural requirements which

apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of an administrative fine or penalty is a final decision in a contested case. ~~[Any party aggrieved by a decision of the officer or panel to revoke or suspend a license may appeal that decision to the Board.]~~

Sec. 49. NRS 636.350 is hereby amended to read as follows:

636.350 1. An optometrist shall not ~~[practice optometry]~~ ***own all or any portion of an optometry practice*** under an assumed or fictitious name unless the optometrist has been issued a certificate of registration by the Board to practice optometry under ~~[an]~~ ***the*** assumed or fictitious name ~~[.]~~ ***and at a specific location.***

2. An optometrist who applies for a certificate of registration to ***own all or any portion of an optometry*** practice ~~[optometry]~~ under an assumed or fictitious name must submit to the Board an application on a form provided by the Board. ***The application must be accompanied by proof satisfactory to the Board that the assumed or fictitious name*** ~~***[meets the requirements of chapter 602 of NRS and]***~~ ***has been registered or otherwise approved by any appropriate governmental entity, including, without limitation, any incorporated city or unincorporated town in which the optometrist practices, if the registration or other approval is required by the governmental entity.***

3. Each optometrist who is issued a certificate of registration pursuant to this section shall:

(a) Comply with the provisions of chapter 602 of NRS; ~~[and]~~

(b) Display or cause to be displayed near the entrance of his or her business the full name of the optometrist and the words or letters that designate him or her as an optometrist ~~[.]~~ ***; and***

(c) Display or cause to be displayed near the entrance of his or her business the full name of any optometrist who regularly provides optometric services at the business and the words or letters that designate him or her as an optometrist.

4. The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate of registration to practice optometry under an assumed or fictitious name.

5. As used in this section, "assumed or fictitious name" means a name ~~[that is not the real]~~ ***other than the*** name of ~~[each person who owns an interest in a business.]~~ ***the optometrist printed on his or her license to practice optometry.***

Sec. 50. NRS 636.355 is hereby amended to read as follows:

636.355 A licensee shall not ~~[be entitled to]~~ lend, sell, or otherwise ~~[dispose or]~~ permit the unauthorized use of his or her license or current renewal card.

Sec. 51. NRS 636.365 is hereby amended to read as follows:

636.365 The Board or the Executive Director may issue a duplicate license and renewal card ***for each location at which a licensee practices optometry,*** if ~~[a]~~ ***the*** licensee maintains more than one place of practice.

Sec. 52. NRS 636.370 is hereby amended to read as follows:

636.370 1. A person who has been issued an initial license to practice optometry in this State or who is re-establishing a practice in this State shall, before commencing the practice, notify the Executive Director, in writing, of the location or locations where the person intends to practice.

2. A licensee shall notify the Executive Director in writing before changing the location of his or her practice [.] ***or establishing an additional location to practice optometry.***

Sec. 53. NRS 636.372 is hereby amended to read as follows:

636.372 1. [An] ***Except as otherwise provided in subsection 4, an*** optometrist may enter into an agreement with a person who is not licensed pursuant to the provisions of this chapter for the leasing of a building or a part thereof for use in his or her practice. The lease may contain a provision which requires that the rent must be based on a percentage of the revenue earned by the optometrist in his or her practice if the total amount of rent paid for the building or part thereof does not exceed its fair rental value, including any furniture, fixtures or equipment therein.

2. An optometrist who enters into such a lease with a physician may locate his or her office in the same place of business as the physician without a physical separation between the office and the place of business.

3. The Board may adopt regulations prescribing the requirements for such leases. The regulations must ensure the quality of optometric care and the practice of optometry without restricting competition or the commercial practice of optometry.

4. An optometrist shall not enter into a lease pursuant to this section unless, during the term of the lease, the optometrist maintains exclusive access to, and control and ownership of, the medical records of each patient of the optometrist.

Sec. 53.5. NRS 636.373 is hereby amended to read as follows:

636.373 1. An optometrist may form an association or other business relationship with a physician to provide their respective services to patients.

2. If such an association or business relationship is formed, the optometrist may:

(a) Locate his or her office in the same place of business as the physician without a physical separation between the office and the place of business.

(b) Authorize the physician to have access to any medical records in the possession of the optometrist relating to a patient who is being treated by both the optometrist and the physician.

(c) Advertise and promote the services provided by the association or business consistent with the restrictions on advertising set forth in NRS 636.302.

3. ***A person shall not directly or indirectly supervise an optometrist within the scope of his or her practice of optometry unless the person is licensed to practice optometry pursuant to this chapter.***

4. A person, including an officer, employee or agent of any commercial or mercantile establishment, shall not directly or indirectly control, dictate or influence the professional judgment of the practice of optometry by a licensed optometrist, unless the person is licensed to practice optometry pursuant to this chapter.

5. This section does not authorize an optometrist to employ or be employed by a physician.

Sec. 54. NRS 636.374 is hereby amended to read as follows:

636.374 An optometrist may, based upon the individual needs of a particular patient, collaborate with an ophthalmologist for the provision of care to the patient, for a fixed fee, regarding one or more surgical procedures if:

1. The collaborating parties prepare and maintain in their respective medical records regarding the patient, written documentation of each procedure and other service performed by each collaborating party which includes the date each procedure and other service is performed;

2. The fixed fee is divided between the collaborating parties in proportion to the services personally performed by each of them;

3. The collaborating parties agree that the collaborating optometrist will refer the patient back to the collaborating ophthalmologist or, if the collaborating ophthalmologist is not available, another ophthalmologist designated by the collaborating ophthalmologist to provide care to the patient if the medical needs of the patient necessitate the provision of care by an ophthalmologist; and

4. The collaborating parties provide to the patient and maintain in their respective medical records regarding the patient, a written document, signed by each of the collaborating parties and the patient, containing:

(a) The name, business address and telephone number of each of the collaborating parties;

(b) The amount of the fixed fee for the procedures and services;

(c) The proportion of that fee to be received by each collaborating party;

(d) A statement, signed by the patient and a witness who is not one of the collaborating parties, that the patient voluntarily, knowingly and willingly desires the performance of the postoperative care by the collaborating optometrist;

(e) A statement that the patient is entitled to return to the collaborating ophthalmologist for postoperative care at any time after the surgery; and

(f) A statement which:

(1) Indicates that the practice of optometry ***is regulated by the Nevada State Board of Optometry*** and ***the practice of*** ophthalmology ~~[are respectively]~~ ***is*** regulated by the ~~[Nevada State Board of Optometry and the]~~ Board of Medical Examiners ~~[;]~~ ***or the State Board of Osteopathic Medicine, as applicable;*** and

(2) Contains the address and telephone number of each of those Boards.

Sec. 55. NRS 636.375 is hereby amended to read as follows:

636.375 ***1. Service of process made under this chapter must be made by one of the following methods:***

(a) Sending the process to be served to the person by certified mail at his or her last known address as indicated in the records of the Board; or

(b) Personal delivery of the document to be served upon the person.

2. Service of process made under this chapter shall be deemed complete when a true and correct copy of the document, properly addressed and stamped, is deposited in the United States mail pursuant to paragraph (a) of subsection 1, or when personal delivery is completed pursuant to paragraph (b) of subsection 1.

3. Any notice ***which is not*** required to be **[**~~given by the Board or the Executive Director to a licensee~~**]** ***served in accordance with subsection 1 or 2*** may be transmitted by **[**~~ordinary~~**]** ***:***

[~~first-class, certified or registered~~**]**

(a) First-class mail, postage prepaid, addressed to the licensee at the location listed by the **[**~~Executive Director for that~~**]** licensee **[**~~.~~**]** ***on his or her most recent change of address form or application for the renewal of his or her license or the last known address as indicated in the records of the Board for any other person;***

(b) Electronic mail to the address for electronic mail most recently provided by the person to the Board; or

(c) Facsimile machine to the number most recently provided by the person to the Board.

Sec. 56. NRS 636.382 is hereby amended to read as follows:

636.382 **[**~~1. No~~**]** ***Any*** licensed optometrist may administer topical ***diagnostic*** ophthalmic **[**~~pharmaceutical~~**]** agents **.** **[**~~unless the optometrist has received certification from the Board authorizing him or her to do so.~~

~~2. The Board shall adopt regulations prescribing the diagnostic uses to which the agents enumerated in subsection 3 may be put, the manner in which such agents may be used, and the qualifications and requirements for such certification which must include:~~

~~(a) A valid license to practice optometry in this State;~~

~~(b) Satisfactory completion of a curriculum approved by the Board, which must include general and ocular pharmacology, at an institution approved by the Board and accredited by a regional or professional accrediting organization and recognized or approved by the Council on Post-Secondary Accreditation, the Northwest Accreditation Association or the United States Department of Education; and~~

~~(c) Successful completion of an appropriate examination approved and administered by the Board.~~

~~3. The following topical ophthalmic pharmaceutical agents may be used for diagnostic purposes by an optometrist who has been authorized by the Board to do so:~~

~~(a) Mydriatics;~~

~~(b) Cycloplegics;~~
~~(c) Topical anesthetics; and~~
~~(d) Miotics.]~~

Sec. 57. NRS 636.387 is hereby amended to read as follows:

636.387 1. The form for any prescription which is ~~[issued for an ophthalmic lens by an optometrist in this State must contain lines or boxes in substantially the following form:~~

~~Approved for contact lenses .... ____________~~
~~Not approved for contact lenses .... ____________~~

~~2. The prescribing optometrist shall mark or check one of the lines or boxes required by subsection 1 each time such a prescription is issued by the optometrist.~~

~~3. If the prescription is]~~ for a contact lens ~~[, the form]~~ must set forth the expiration date of the prescription, the number of ~~[refills]~~ ***contact lenses*** approved for the patient and such other information as is necessary for the prescription to be filled properly. ***A prescription for spectacle lenses must not be construed to be approved for or converted to a prescription for contact lenses unless contact lenses are expressly approved in writing on the prescription by the prescribing optometrist.***

~~[4.]~~ ***2.*** The initial fitting of a contact lens must be performed by an ophthalmologist or optometrist licensed in this State.

~~[5.]~~ ***3.*** As used in this section, "initial fitting" means measuring the health, integrity and refractive error of the eye to determine whether contact lenses ~~[may be approved pursuant to subsection 1.]~~ ***are appropriate for the patient.***

Sec. 57.5. ~~[NRS 636.407 is hereby amended to read as follows:~~
~~636.407 The Board may cause appropriate legal action to be taken in the district court of any county to secure an injunction or order restraining the unauthorized practice of optometry.~~ ~~***An injunction may be issued pursuant to this section without proof of actual damage sustained by a person and does not relieve a person from any criminal prosecution for any unauthorized practice of optometry.]***~~ **(Deleted by amendment.)**

Sec. 58. ~~[NRS 636.410 is hereby amended to read as follows:~~
~~636.410 A violation of this chapter shall constitute a gross misdemeanor and shall be punishable as such . [, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.]]~~ **(Deleted by amendment.)**

Sec. 59. NRS 636.420 is hereby amended to read as follows:

636.420 ~~[Any]~~ ***After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than $5,000 for each violation against a*** person licensed under this chapter who ~~[violates any provision of this chapter or any regulation of the Board relating to the practice of optometry is liable to the Board for an administrative fine of not less than $100 or more than $5,000.]~~ ***engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.***

Sec. 60. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer ~~[therapeutic]~~ pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers ~~[therapeutic]~~ pharmaceutical agents within the scope of his or her certification.

Sec. 61. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer ~~[therapeutic]~~ pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers ~~[therapeutic]~~ pharmaceutical agents within the scope of his or her certification.

Sec. 62. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer ~~[dangerous drugs]~~ ***pharmaceutical agents*** pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

Sec. 63. Notwithstanding the amendatory provisions of:

1. Section 20 of this act, the schedule of fees established by the Nevada State Board of Optometry pursuant to NRS 636.143 remains in effect until the Board establishes a revised schedule of fees pursuant to NRS 636.143, as amended by section 20 of this act.

2. Section 27 of this act, a license to practice optometry executed pursuant to NRS 636.215 remains in effect for the period for which the license was issued, if the person to whom the license was issued remains eligible to hold the license during that period.

3. Section 36 of this act, any regulations adopted by the Nevada State Board of Optometry prescribing the requirements for certification to administer and prescribe a therapeutic pharmaceutical agent pursuant to NRS 636.287 remain in effect until the Board amends the regulations in accordance with NRS 636.287, as amended by section 36 of this act.

4. Section 37 of this act, a certificate to administer or prescribe a therapeutic pharmaceutical agent issued in accordance with the provisions of NRS 636.288 remains in effect for the period for which the certificate was

issued, if the person to whom the certificate was issued otherwise remains eligible to hold the certificate during that period.

5. Section 40 of this act, any regulations adopted by the Nevada State Board of Optometry which prescribe the requirements for the issuance of a certificate to treat persons diagnosed with glaucoma pursuant to NRS 636.2893 remain in effect until the Board adopts regulations in accordance with NRS 636.2893, as amended by section 41 of this act.

Sec. 64. NRS 636.024, 636.160, 636.175, 636.195, 636.200, 636.220, 636.315, 636.330, 636.335, 636.336, 636.341 and 636.385 are hereby repealed.

Sec. 65. This act becomes effective:

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

2. On July 1, 2019, for all other purposes.

LEADLINES OF REPEALED SECTIONS

636.024 "Therapeutic pharmaceutical agent" defined.
636.160 Application for examination.
636.175 Equipment required for examination.
636.195 Request for reexamination.
636.200 Scope of reexamination.
636.220 Licenses: Issuance.
636.315 Procedure following filing of complaint; retention of complaints.
636.330 Application for rehearing.
636.335 Rehearing: Notice to licensee; conduct; decision.
636.336 Board to cooperate with other agencies investigating persons.
636.341 Practicing or offering to practice without license: Reporting requirements of Board.
636.385 Use of and payment for optometric services by administrative agencies and public schools.

Assemblywoman Spiegel moved the adoption of the amendment.
Remarks by Assemblywoman Spiegel.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 84.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 910.
AN ACT relating to state resources; providing for the issuance of state general obligation bonds to protect, preserve and obtain the benefits of the

property and natural and cultural resources of the State of Nevada; providing for the use of the proceeds of the bonds; **repealing the prospective extension of the period for the issuance of certain bonds; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

At the general election held on November 5, 2002, the Legislature submitted to the voters of this State and the voters approved a proposal to issue general obligation bonds of the State to protect, preserve and obtain the benefits of the property and natural resources of this State in an amount not to exceed $200,000,000. The ballot question allocated specific amounts of the bond proceeds to various governmental entities for specified programs and projects. (Chapter 6, Statutes of Nevada 2001, 17th Special Session, p. 104) This bill requires the State Board of Finance to issue an additional ~~[$200,000,000]~~ **$217,500,000** in state general obligation bonds to continue to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State. This bill also allocates specific amounts of the bond proceeds to various governmental entities for specified programs and projects, some of which are the same programs and projects specified in the 2002 ballot question.

The Nevada Constitution limits the amount of debt of the State of Nevada to 2 percent of the assessed valuation of the State, but exempts from that limitation debt incurred for the protection and preservation of the State's property or natural resources or for the purposes of obtaining the benefits thereof. (Nev. Const. Art. 9, § 3) This bill makes a legislative declaration that, with certain exceptions, the issuance of the bonds required by this bill is necessary for the protection and preservation of the property and natural resources of the State and constitutes an exercise of the constitutional authority to enter into contracts for those purposes.

Existing law includes a limitation on the issuance or sale of bonds more than 6 years after an election that is required to authorize their issuance. (NRS 349.078) In 2007, 2013 and 2017, the Legislature made exceptions to this 6-year limitation for the bonds issued pursuant to the 2002 ballot question by extending the period for the issuance of those bonds until December 31, 2011, June 30, 2019, and June 30, 2024, respectively. (Chapter 291, Statutes of Nevada 2007, p. 1089, chapter 251, Statutes of Nevada 2013, p. 1055, chapter 33, Statutes of Nevada 2017, p. 139) Section 9 of this bill repeals the June 30, 2024, extension, thereby expiring the period for issuance of bonds pursuant to the 2002 ballot question on June 30, 2019.

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

Section 1. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in a total face amount of not more than ~~[$200,000,000]~~ **$217,500,000** to protect, preserve and obtain the benefits of the property and natural and cultural resources of the State of Nevada.

2. The bonds required to be issued pursuant to subsection 1 may be issued at one time or from time to time.

3. The Legislature shall levy such tax as may be necessary to pay the principal and interest on the bonds. The proceeds of such tax together with any amounts appropriated to pay the principal of and interest on the bonds when due must be deposited in the Consolidated Bond Interest and Redemption Fund created by NRS 349.090.

Sec. 2. Except as otherwise provided in subsection 9 of section 3 of this act, of the total bonds issued pursuant to section 1 of this act:

1. An amount of $30,000,000 must be allocated to the Division of State Parks of the State Department of Conservation and Natural Resources to protect and preserve the property or natural resources of this State or to obtain the benefits thereof for the following purposes:

(a) For the acquisition of real or personal property or interests in real or personal property for purposes related to parks and recreation; or

(b) For the planning, design and construction of capital improvements and renovations of facilities in state parks.

2. An amount of $30,000,000 must be allocated to the Department of Wildlife for the following purposes:

(a) For the acquisition of real or personal property or interests in real or personal property to enhance, protect and manage wildlife habitat or enhance recreational opportunities related to wildlife, or both; or

(b) For the development and renovation of facilities or the improvement **or restoration** of ~~[existing]~~ wildlife ~~[habitats for]~~ **and** fish ~~[and other restoration of existing wildlife]~~ habitats.

3. An amount of $30,000,000 must be allocated to the Las Vegas Springs Preserve in Clark County for the following purposes:

(a) Providing wildlife habitat;

(b) Constructing buildings and other facilities for the Preserve; or

(c) Providing other infrastructure for the Preserve.

~~[➥ The Las Vegas Springs Preserve in Clark County shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of each project that is completed pursuant to this subsection.]~~

4. An amount of $10,000,000 must be allocated to Clark County for the Clark County Wetlands Park and the Lower Las Vegas Wash. The money allocated pursuant to this subsection must be used to:

(a) Divert water, control erosion and make improvements to restore the existing wetlands, and to create new wetlands;

(b) Acquire and develop land and water rights;

(c) Provide recreational facilities;

(d) Provide additional parking for and access to the Park; and

(e) Construct weirs in the Lower Las Vegas Wash.

➥ ~~[Clark County shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is~~

~~equal to 50 percent of the cost of each project that is completed pursuant to this subsection.]~~ **Programs and projects paid for by the allocation made pursuant to this subsection must be for the protection and preservation of the property and natural resources of this State, or for the purposes of obtaining the benefits thereof.**

5. An amount of $30,000,000 must be allocated to the Division of Museums and History of the Department of Tourism and Cultural Affairs to carry out the purposes set forth in this subsection. The money allocated pursuant to this subsection must be used for:

(a) The expansion of the Nevada State Railroad Museum in Boulder City;

(b) The rehabilitation and ~~[expansion]~~ **improvement** of the East Ely Depot Museum; and

(c) The establishment or improvement of any museum in the state system of museums within the Division, including, without limitation, for:

(1) The planning, design or construction of such a museum;

(2) The improvement of such a museum;

(3) Moving exhibits within the state system of museums; or

(4) Creating new or improving existing exhibits.

6. An amount of ~~[$3,000,000]~~ **$5,000,000** must be allocated to the State Land Registrar of the Division of State Lands of the State Department of Conservation and Natural Resources to purchase or enter into a public-private partnership, or both, for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of properties in this State listed on the National Register of Historic Places maintained pursuant to 54 U.S.C. § 302101, including, without limitation, ~~[historic railroad depots.]~~ **at least $2,000,000 for the Caliente Railroad Depot in Caliente, Nevada.**

7. **An amount of $10,000,000 must be allocated to Clark County to disburse to a nonprofit organization to plan, design, construct or develop the Las Vegas Valley Rim Trail.**

8. An amount of $10,000,000 must be allocated to the State Department of Conservation and Natural Resources for grants to state agencies, local governments, water conservancy districts, conservation districts and nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources pursuant to this subsection to enhance and restore the Truckee River corridor and watershed and the Carson River corridor and watershed. The Director of the State Department of Conservation and Natural Resources shall adopt such regulations as the Director determines are necessary to make the grants described in this subsection. The regulations adopted by the Director must state whether and to what degree applicants for grants must match any money awarded.

9. An amount of $5,000,000 must be allocated to the State Department of Conservation and Natural Resources for grants to Douglas County, Washoe County or Carson City and municipalities located within those

counties that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources pursuant to this subsection to enhance and develop the Lake Tahoe Path System. Money awarded pursuant to this subsection must be used to acquire land for the path system or develop the path system. The Director of the State Department of Conservation and Natural Resources shall adopt such regulations as the Director determines are necessary to make the grants described in this subsection. The regulations adopted by the Director must state whether and to what degree applicants for grants must match any money awarded.

10. An amount of ~~[$67,000,000]~~ **$57,500,000** must be allocated to the State Department of Conservation and Natural Resources to carry out the purposes set forth in this subsection. ~~[In making the grants pursuant to paragraph (a) and entering into the contracts and other agreements pursuant to paragraph (b) that are required by this subsection, the State Department of Conservation and Natural Resources shall ensure that $37,000,000 is used in Clark County, $20,000,000 is used in Washoe County and $10,000,000 is used in the remainder of the State.]~~ The money allocated pursuant to this subsection must be used for the following purposes:

(a) To make the following grants:

(1) Grants to state agencies, local governments or ~~[private]~~ nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources pursuant to this subsection, as appropriate, for the design and construction of recreational facilities, campsites and trails, including, without limitation, hiking, equestrian and bicycle trails. Programs and projects paid for by grants made pursuant to this subparagraph must be for the protection and preservation of the property and natural resources of this State, or for the purposes of obtaining the benefits thereof. Grants made pursuant to this subparagraph must be coordinated with the Division of State Parks of the State Department of Conservation and Natural Resources.

(2) Grants to counties and municipalities for the acquisition of land and water **rights** or interests in land and water **rights** to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, wetlands and other environmental resources pursuant to an adopted plan for open spaces. Grants made pursuant to this subparagraph must be coordinated with the Division of State Lands of the State Department of Conservation and Natural Resources **.** ~~[and require:~~

~~(I) In a county whose population is 100,000 or more, that the county or municipality which receives the grant matches the grant with an amount of money or value of services, material or equipment that is not more than 50 percent of the cost of the acquisition.~~

~~(II) In a county whose population is less than 100,000, that the county or municipality which receives the grant matches the grant with an amount of~~

~~money or value of services, material or equipment that is not more than 25 percent of the amount of the grant.~~

~~(3) Grants to Churchill County, Douglas County, Lyon County, Washoe County or Carson City and municipalities and conservation districts located within those counties to enhance and restore the Carson River and Truckee River corridors. Grants made pursuant to this subparagraph must require that the county, municipality or conservation district which receives the grant match the grant with an amount of money or value of services, material or equipment that is not more than 50 percent of the cost of the project for which the grant is awarded. Money awarded for grants pursuant to this subparagraph must be used to:~~

~~(I) Acquire and develop land and water rights;~~

~~(II) Provide recreational facilities;~~

~~(III) Provide parking for and access to and along the Carson River or Truckee River; or~~

~~(IV) Restore the Carson River and Truckee River corridors.~~

~~(4) Grants to Douglas County, Washoe County or Carson City and municipalities located within those counties to enhance and develop the Lake Tahoe Path System. Grants made pursuant to this subparagraph must require that the county or municipality which receives the grant match the grant with an amount of money or value of services, material or equipment that is not more than 50 percent of the cost of the project for which the grant is awarded. Money awarded for grants pursuant to this subparagraph must be used to:~~

~~(I) Acquire land for the path system; or~~

~~(II) Develop the path system.~~

~~(5)]~~ **(3)** Grants to state agencies, counties, municipalities **, conservation districts** or [~~private~~] nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources pursuant to this subsection, as appropriate, for the acquisition of credits through a system that awards credits to persons, federal and state agencies, counties, municipalities, conservation districts and nonprofit organizations who take measures to protect, enhance or restore sagebrush ecosystems established by the Sagebrush Ecosystem Council created by NRS 232.162. Credits may only be acquired pursuant to this subparagraph for the purpose of the retirement of the credits.

[~~(6)~~] **(4)** Grants to state agencies, local governments, conservation districts and nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources [~~,~~] **pursuant to this subsection,** as appropriate, for the purposes of carrying out projects to create resilient landscapes by reducing the threat of catastrophic wildfire, improving the condition and ecological health of watersheds [~~and~~] **or** rehabilitating lands damaged by wildland fires. Grants made pursuant to this subparagraph must be coordinated with the Division of Forestry of the State Department of Conservation and Natural Resources [~~.~~] **and the Department of Wildlife.**

[(7)] **(5)** Grants to state agencies, local governments, conservation districts and nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources [,] **pursuant to this subsection,** as appropriate, for the inventory, enhancement and restoration of wetlands. Grants made pursuant to this subparagraph must be coordinated with the Nevada Natural Heritage Program within the State Department of Conservation and Natural Resources [.

(8) Grants to nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources, as appropriate, to plan, design, construct or develop the Vegas Valley Rim Trail in Clark County.] **and the Department of Wildlife.**

(b) To carry out contracts or agreements under which nonprofit conservation organizations may acquire land and water or interests in land and water for the public benefit, to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, floodplains and wetlands and other environmental resources. [Any money provided by the State Department of Conservation and Natural Resources pursuant to this paragraph must be matched by an amount of money or value of services, material or equipment that is not more than 50 percent of the cost of the acquisition.] The investment of this State in any property acquired pursuant to this paragraph must be secured by an interest in the property.

➥ The Director of the State Department of Conservation and Natural Resources shall adopt such regulations as the Director determines are necessary to carry out the programs and projects and make the grants described in this subsection. The regulations adopted by the Director must state whether and to what degree applicants for grants must match any money awarded.

Sec. 3. 1. The proceeds of the bonds issued pursuant to section 1 of this act must be accounted for separately in the State General Fund.

2. The Director of the State Department of Conservation and Natural Resources shall administer the account created pursuant to subsection 1 and prescribe the method pursuant to which the governmental entities which administer the programs and projects described in section 2 of this act may request money from the account in accordance with the allocations made pursuant to that section.

3. Any interest or income earned on the money in the account must be credited to the account. Any money remaining in the account at the end of the fiscal year does not revert to the State General Fund but remains in the account for authorized expenditure.

4. All claims against the account must be paid as other claims against the State are paid.

5. The State Department of Conservation and Natural Resources may use the proceeds from the bonds issued pursuant to section 1 of this act and the interest income thereon to defray the costs of administering the provisions of

this act and may request an appropriation to defray the costs of administering this act if the money in the account is not sufficient. The money in the account must be used only for the purposes set forth in this act and must not be used to replace or supplant funding available from other sources.

6. Any interests in land or water acquired by the State pursuant to this act:

(a) Must be acquired and held by the Division of State Lands of the State Department of Conservation and Natural Resources pursuant to chapter 321 of NRS.

(b) Must not be acquired by condemnation or the power of eminent domain.

➥The acquisition of any water rights pursuant to this act must not have a negative impact on the distribution of water to other persons who hold valid water rights.

7. Any property acquired pursuant to the provisions of this act may include easements and other interests in land. Before acquiring any interest in land pursuant to this act, recipients of money pursuant to this act must consider such alternatives to the acquisition of fee simple title as may be available, including, without limitation, the acquisition of easements and remainders after life estates.

8. If any interests in land or water acquired by the State pursuant to this act, or portions thereof, are later determined not to be necessary to carry out the purposes of the act, those interests may be sold or leased by the Division of State Lands pursuant to chapter 321 of NRS and the proceeds deposited in the account created pursuant to subsection 1. The proceeds received from such transactions must be expended to carry out the purposes of this act.

9. Money may be reallocated among the purposes set forth in each subsection of section 2 of this act with the advance approval of the Interim Finance Committee.

10. The Interim Finance Committee must approve the issuance of any bonds issued pursuant to this act if the proceeds of which will be used for the purposes set forth in paragraph (a) of subsection ~~[7]~~ **10** of section 2 of this act.

11. Except as otherwise provided in subsection 12, all money derived from bonds issued pursuant to this act and any interest earned thereon may be used only to pay, reimburse, finance or otherwise provide money for items which are capital expenditures as defined in the regulations adopted pursuant to section 150 of the Internal Revenue Code of 1986, as amended, 26 U.S.C. § 150. The State Treasurer may require certifications by recipients of bond proceeds as to compliance with the requirements of this subsection before the disbursement of bond proceeds.

12. The provisions of subsection 11 do not apply to an amount that does not exceed 2 percent of the proceeds of each issue of bonds issued pursuant to this act that is used as provided in subsection 5.

13. On or before February 1 of each year, the State Department of Conservation and Natural Resources shall prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding all programs and

projects that received money from the account created pursuant to subsection 1 during the immediately preceding calendar year.

Sec. 4. The Legislature finds and declares that the issuance of bonds pursuant to this act, except the use of the proceeds of those bonds pursuant to subsections 3, 5 and 6 of section 2 of this act and subparagraph ~~[(5)]~~ **(3)** of paragraph (a) of subsection ~~[7]~~ **10** of section 2 of this act and paragraph (b) of subsection ~~[7]~~ **10** of section 2 of this act:

1. Is necessary for the protection and preservation of the property and natural resources of this State and for the purpose of obtaining the benefits thereof; and

2. Constitutes an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the Constitution of the State of Nevada.

Sec. 5. To the extent not inconsistent with the provisions of this act, the provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the bonds issued pursuant to this act.

Sec. 6. Notwithstanding the provisions of NRS 361.453 to the contrary, any levy imposed by the Legislature for the repayment of bonded indebtedness issued pursuant to the provisions of this act must not be included in calculating the limitation set forth in subsection 1 of NRS 361.453 on the total ad valorem tax levied for all public purposes.

Sec. 7. If any provision of this act, or application thereof to any person, thing or circumstance, is held invalid, the invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 8. 1. There is hereby appropriated from the State General Fund to the State Department of Conservation and Natural Resources, Administration, the sum of $122,104 for Fiscal Year 2020-2021 for personnel and operating costs for the administration of the program created by this act.

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

Sec. 8.5. **The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.**

Sec. 9. **Section 1 of chapter 33 of Statutes of Nevada 2017, at page 139, is hereby repealed.**

Sec. 10. **1.** This **section and section 9 of this** act ~~[becomes]~~ **become effective upon passage and approval.**

2. Sections 1 to 8.5, inclusive, of this act become effective on July 1, 2019.

TEXT OF REPEALED SECTION

Section 1 of chapter 33, Statutes of Nevada 2017, at page 139:

Section 1. Section 1 of chapter 251, Statutes of Nevada 2013, at page 1055, is hereby amended to read as follows:

Section 1. Notwithstanding the provisions of NRS 349.078, the State Board of Finance may continue to issue general obligation bonds of the State to protect, preserve and obtain the benefits of the property and natural resources of this State pursuant to chapter 6, Statutes of Nevada 2001, 17th Special Session, under the terms and conditions of that act until June 30, ~~[2019.]~~ ***2024.*** The provisions of that act apply to all such issuances of bonds, including, without limitation, to the manner of their issuance and the authorized uses of the proceeds of the bonds.

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 92.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 979.
AN ACT relating to education; expanding the duties of the English Mastery Council; extending the termination date of the Council; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the English Mastery Council and prescribes the duties of the Council which include reviewing certain policies and making recommendations relating to the education of English learners to the Superintendent of Public Instruction, the Commission on Professional Standards in Education, the Board of Regents of the University of Nevada, the boards of trustees of school districts and the State Board of Education. (NRS 388.409, 388.411) "English learner" is generally defined to mean certain pupils who come from an environment where a language other than English either is dominant or has had a significant impact on the pupil's level of English language proficiency. (20 U.S.C. § 7801(20)) **Section 1** of this bill expands the duties of the Council to include making recommendations to the State Board to improve the academic achievement and English proficiency of pupils who do not fall within the definition of English learners but have scored

at or below the 25th percentile in the subject area of English language arts in certain examinations.

Sections 2-4 of this bill extend the termination date of the Council from June 30, 2019, to June 30, 2022. **Section 4.5 of this bill makes an appropriation to the Department of Education for travel expenses and transcription services for the Council.**

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

Section 1. NRS 388.411 is hereby amended to read as follows:

388.411 The English Mastery Council created by NRS 388.409 shall:

1. Make recommendations to the State Board for the adoption of regulations concerning criteria for the policies to teach English to pupils who are English learners that are developed by the board of trustees of each school district pursuant to NRS 388.407.

2. Review annually each policy to teach English to pupils who are English learners that is developed by the board of trustees of each school district pursuant to NRS 388.407 and make recommendations for improvement to the State Board and the applicable board of trustees.

3. Make recommendations to the Superintendent of Public Instruction, the Commission on Professional Standards in Education and the State Board for:

(a) The adoption of regulations pursuant to NRS 391.019 concerning the requirements for an endorsement to teach English as a second language, including, without limitation, the teachers who should be required to obtain the endorsement; and

(b) After the adoption of the regulations pursuant to paragraph (a), any revisions to those regulations as deemed necessary by the Council.

4. Develop standards and criteria for a curriculum for pupils who are English learners and submit those standards and criteria to the State Board for consideration.

5. Review any course of study offered by the Nevada System of Higher Education for training to teach English as a second language to determine if the course of study, including, without limitation, student teaching, is sufficiently rigorous to provide teachers with the tools necessary to improve the English proficiency and academic achievement and proficiency of pupils who are English learners.

6. Make recommendations to the Board of Regents of the University of Nevada for the improvement of any course of study described in subsection 5 and submit a copy of those recommendations to the Governor and the State Board.

7. Make recommendations to the State Board to improve the English proficiency and academic achievement of pupils who are not English learners and who have scored at or below the 25th percentile in the subject area of English language arts in an examination administered pursuant to NRS 390.105.

Sec. 2. Section 17 of chapter 515, Statutes of Nevada 2013, at page 3422, is hereby amended to read as follows:

Sec. 17. 1. This section and section 16.4 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, 5 to 16.3, inclusive, 16.5 and 16.6 of this act become effective on July 1, 2013.

3. Section 4.5 of this act becomes effective on July 1, [2019.] ***2022.***

4. Sections 1.4, 1.5, 1.6 and 16.1 of this act expire by limitation on June 30, [2019.] ***2022.***

Sec. 3. Section 34 of chapter 341, Statutes of Nevada 2017, at page 2133, is hereby amended to read as follows:

Sec. 34. 1. This act becomes effective on July 1, 2017.

2. Section 1.7 of this act expires by limitation on June 30, [2019.] ***2022.***

Sec. 4. Section 84 of chapter 501, Statutes of Nevada 2017, at page 3292, is hereby amended to read as follows:

Sec. 84. 1. This section and sections 1 to 77, inclusive, 81, 82 and 83 of this act become effective on July 1, 2017.

2. Sections 28 and 29 of this act expire by limitation on June 30, [2019.] ***2022.***

3. Sections 78, 79 and 80 of this act become effective on July 1, 2019.

Sec. 4.5. **1. There is hereby appropriated from the State General Fund to the Department of Education for travel expenses and transcription services for the English Mastery Council created by NRS 388.409 the following sums:**

For the Fiscal Year 2019-2020 .... $5,000

For the Fiscal Year 2020-2021 .... $5,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 104.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 976.

AN ACT making an appropriation to the Account for the Nevada Main Street Program; and providing other matters properly relating thereto.

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

Section 1. The sum of $350,000 is hereby appropriated from the State General Fund to the Account for the Nevada Main Street Program created by NRS 231.1536 for continued support of local Main Street programs.

Sec. 2. This act becomes effective [on July 1, 2019.] **upon passage and approval.**

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 954.

SUMMARY—[Establishes a] **Directs the establishment of a plan to expand the** program to allow certain persons over 18 years of age to remain [in foster care.] **under the jurisdiction of a court.** (BDR [38-453)] **S-453)**

AN ACT relating to child welfare; [establishing a] **requiring the establishment of a plan to expand the** program to allow certain persons over 18 years of age to remain [in foster care;] **under the jurisdiction of a court; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a child whom a court places with a person or entity other than a parent and who reaches 18 years of age to request the court to retain jurisdiction over the child until the child reaches the age of 21 years. If a court retains jurisdiction over a child in such circumstances, the child is required to enter into an agreement with the agency which provides child welfare services. Such an agreement is required to provide that the child is entitled to: (1) continue receiving services from the agency which provides child welfare services; and (2) receive monetary payments directly or to have such payments provided to another entity in an amount not to exceed the rate of payment for foster care. (NRS 432B.594) Existing law additionally requires

the agency which provides child welfare services to develop a written plan to assist the child in transitioning into independent living. (NRS 432B.595) ~~[Existing federal law allows states to receive federal financial participation for foster care payments for persons who are between 18 and 21 years of age under certain circumstances. (42 U.S.C. §§ 670 et seq.) Section 3 of this bill requires the Department of Health and Human Services to take any action necessary to obtain such federal financial participation. If such federal financial participation is obtained, section 3 requires the Department to establish a program to allow such children to voluntarily remain in foster care.]~~ **Section 9.5** of this bill requires the Division of Child and Family Services of the Department **of Health and Human Services** to: (1) establish a plan to ~~[implement the]~~ **expand that** program; **and** (2) ~~[take certain other actions to implement the program; and (3)]~~ submit a report to the Legislative Committee on Child Welfare and Juvenile Justice concerning the ~~[implementation of the program.]~~ **status of the plan. Section 10 of this bill appropriates money to the Division for personnel costs to develop the plan.**

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. ~~[Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***The Department shall:***~~

~~***1. Take any action necessary to obtain federal financial participation under 42 U.S.C. §§ 670 et seq. to establish a program to allow a person who is 18 years of age or older and meets the criteria prescribed in 42 U.S.C. § 675(8)(B) to voluntarily remain in foster care until he or she reaches 21 years of age under conditions prescribed by regulation of the Department; and***~~

~~***2. If the Department obtains federal financial participation pursuant to subsection 1:***~~

~~***(a) Pay the nonfederal share of the costs of the program described in subsection 1;***~~

~~***(b) Adopt any regulations necessary to carry out the program described in subsection 1, including, without limitation, regulations that establish the conditions under which a person described in subsection 1 may voluntarily remain in foster care until he or she reaches 21 years of age; and***~~

~~***(c) Take any other action necessary to carry out the program described in subsection 1.]***~~ **(Deleted by amendment.)**

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.5. 1. The Division of Child and Family Services of the Department of Health and Human Services shall:

(a) In consultation with agencies which provide child welfare services, other agencies and organizations that provide social services, attorneys who represent children in the custody of agencies which provide child welfare services and other interested persons and entities ~~[, establish]~~ **:**

(1) Study possible mechanisms for expanding the program established pursuant to NRS 432B.591 to 432B.595, inclusive, that allows a child who is over 18 years of age to voluntarily remain under the jurisdiction of a court under the conditions prescribed by NRS 432B.594, which may include, without limitation, obtaining federal financial participation under 42 U.S.C. §§ 670 et seq.; and

(2) Establish a plan to ~~[carry out the]~~ **expand the** program ~~[described in section 3 of this act.]~~ **described in subparagraph (1).** The plan must include, without limitation:

~~[(1)]~~ **(I)** A timeline for carrying out the ~~[program described in section 3 of this act,]~~ **plan,** the process for carrying out the ~~[program]~~ **plan** and an analysis of the fiscal impact of the ~~[program;]~~ **plan;** and

~~[(2)]~~ **(II)** An analysis of the implementation and effect of the program ~~[established pursuant to NRS 432B.591 to 432B.595, inclusive, that allows a child who is over 18 years of age to voluntarily remain under the jurisdiction of a court under the conditions prescribed by NRS 432B.594.]~~ **described in subparagraph (1).**

(b) ~~[As soon as practicable but not later than September 30, 2020, apply to the Administration for Children and Families of the United States Department of Health and Human Services to amend the state plan for foster care and adoption assistance submitted pursuant to 42 U.S.C. § 671 as necessary to carry out the provisions of section 3 of this act.~~

~~(c)]~~ On or before October 1, 2020, submit to the Legislative Committee on Child Welfare and Juvenile Justice:

(1) A report concerning the status of the plan described in paragraph (a) **;** ~~[and the program described in section 3 of this act;]~~ and

(2) Any recommendations for legislation necessary to ~~[improve the implementation of]~~ **implement** the ~~[program]~~ **plan** described in ~~[section 3 of this act.]~~ **paragraph (a).**

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 10. **1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the purposes described in subsection 2 the following sums:**

For the Fiscal Year 2019-2020 .... $35,553
For the Fiscal Year 2020-2021 .... $11,345

2. The Division of Child and Family Services of the Department of Health and Human Services shall use the money appropriated pursuant to subsection 1 for personnel costs to carry out the provisions of section 9.5 of this act.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

~~[Sec. 10.]~~ ***Sec. 11.*** This act becomes effective ~~[upon passage and approval.]~~ **on July 1, 2019.**

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 168.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 914.
AN ACT relating to education; requiring a school to provide a plan of action based on restorative justice before ~~[suspending or]~~ expelling a pupil; prohibiting certain pupils from being suspended or expelled in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law excepts certain classes of persons from criminal liability, including: (1) children under the age of 8 years; (2) children between the ages of 8 years and 10 years unless the child is charged with certain serious crimes; and (3) children between the ages of 8 years and 14 years in the absence of clear proof that the child knew at the time of committing an act that it was wrong. (NRS 194.010)]~~

Under existing law, a pupil is required to be expelled or suspended from a public school if he or she commits a battery which results in the bodily injury of an employee of the school or sells or distributes any controlled substance in certain circumstances. (NRS 392.466) Existing law authorizes the expulsion or suspension of a pupil who: (1) is deemed a habitual disciplinary problem; or (2) participates in a program of special education in certain circumstances upon review of the board of trustees of the school district in which the pupil is

enrolled. (NRS 392.466, 392.467) Existing law also authorizes the board of trustees of a school district to expel or suspend a pupil from a public school in the school district, but prohibits the board of trustees from expelling, suspending or removing a pupil solely because the pupil is deemed a truant. (NRS 392.467)

Section [3] **3.3** of this bill, with certain exceptions, requires a school to provide a plan of action based on restorative justice to a pupil before [suspending or] expelling the pupil. **Sections 7 and 8** of this bill prohibit the **permanent** expulsion [or suspension] of a pupil who is [excepted from criminal liability] **not more than 10 years of age** except in certain limited circumstances. **Section 7 authorizes the suspension or permanent expulsion of a pupil who is at least 11 years of age only after the board of trustees of the school district has reviewed the circumstances and approved the action in accordance with its policy.** **Section 7** requires a public school to provide a plan of action based on restorative justice to a pupil who engages in certain actions and is [not excepted from criminal liability] **at least 11 years of age** before expelling or suspending the pupil. **Section 7** also requires a public school that removes a pupil from school and places the pupil in another school [of the same kind] to explain what services will be provided to address the specific needs and behaviors of the pupil at the new school that the current school is unable to provide. **Section 7** requires the school district of the current school of the pupil to coordinate with the new school or the school district of the new school to ensure the new school has the resources necessary to accommodate the pupil. **Section 8** prohibits the board of trustees of a school district from expelling, suspending or removing a pupil solely for offenses related to attendance. **Section 8 also requires a school to conduct an investigation before taking certain disciplinary actions in certain circumstances.** **Sections 4 and 5** of this bill make conforming changes.

Existing law requires the principal of each public school to establish a plan for the discipline of pupils. (NRS 392.4644) **Section 5.5** of this bill instead requires the board of trustees of each school district to establish such a plan. Existing law authorizes the school in which a pupil who is suspended is enrolled to develop a plan of behavior for the pupil. (NRS 392.4655) **Section 6** of this bill instead requires such a school to develop a plan of behavior [.] **and allows the parent or guardian of a pupil to choose for the pupil not to participate in the plan of behavior.**

Existing law prohibits a pupil who is participating in a program of special education from being suspended from school for more than 10 days or permanently expelled unless the board of trustees of the school district in which the pupil is enrolled has reviewed the circumstances and determined that the action complies with federal law relating to pupils with disabilities. (NRS 392.466, 392.467) **Sections 7 and 8** reduce the number of days that such a pupil can be suspended from 10 to 5.

Existing law authorizes the expulsion, suspension or removal of a pupil of a charter school or university school for profoundly gifted pupils in certain

circumstances. (NRS 388A.495, 388C.150) **Sections 1 and 2** of this bill apply similar provisions relating to the discipline of such pupils as are applied to pupils in other public schools by **sections 3, 7 and 8**.

Section 3.7 of this bill requires public schools to collect data on the suspension, expulsion and removal of pupils from a school and report such data to the board of trustees of the school district each quarter.

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

Section 1. NRS 388A.495 is hereby amended to read as follows:

388A.495 1. A governing body of a charter school shall adopt:

(a) Written rules of behavior required of and prohibited for pupils attending the charter school; and

(b) Appropriate punishments for violations of the rules.

2. ~~[Except as otherwise provided in subsection 3, if]~~ ***If*** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the charter school shall ensure that, before the suspension or expulsion, the pupil and, if the pupil is under 18 years of age, the parent or guardian of the pupil, has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil ***who is*** ~~***[not excepted from criminal liability pursuant to NRS 194.010]***~~ ***at least 11 years of age and*** who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process ***,*** ~~[or]~~ who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the charter school ~~[immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, which must be conducted as soon as practicable after removal, for suspension or expulsion of the pupil.]~~ ***only after the charter school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.***

4. A pupil ***who is*** ~~***[not excepted from criminal liability pursuant to NRS 194.010]***~~ ***at least 11 years of age and*** who is enrolled in a charter school and participating in a program of special education pursuant to NRS 388.419 ~~[, other than a pupil who receives early intervening services,]~~ may, in accordance with the procedural policy adopted by the governing body of the charter school for such matters ~~[,]~~ ***and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,*** be:

(a) Suspended from the charter school pursuant to this section for not more than ~~[10]~~ ***5*** days ~~[.]~~ ***for each occurrence.***

(b) **[**~~Suspended from the charter school for more than 10 days or permanently~~**]** ***Permanently*** expelled from school pursuant to this section ***.*** **[**~~only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~**]**

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters school during the year.

(b) Available for public inspection at the charter school.

6. The governing body of a charter school may adopt rules relating to the truancy of pupils who are enrolled in the charter school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If a governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 2. NRS 388C.150 is hereby amended to read as follows:

388C.150 1. The governing body of a university school for profoundly gifted pupils shall adopt:

(a) Written rules of behavior for pupils enrolled in the university school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. **[**~~Except as otherwise provided in subsection 3, if~~**]** ***If*** suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the university school for profoundly gifted pupils shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.

3. A pupil ***who is [~~not excepted from criminal liability pursuant to NRS 194.010~~] at least 11 years of age and*** who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process ***,*** **[**~~or~~**]** who is selling or distributing any controlled substance or who is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed **[**~~from the university school for profoundly gifted pupils immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after removal, for his or her suspension or expulsion.~~**]** ***only after the university school for profoundly gifted pupils has made a reasonable effort to complete a plan of action based on restorative justice with the pupil in accordance with the provisions of NRS 392.466 and 392.467.***

4. A pupil ***who is [~~not excepted from criminal liability pursuant to NRS 194.010~~] at least 11 years of age and*** who is enrolled in a university school for profoundly gifted pupils and participating in a program of special education pursuant to NRS 388.419 **[**~~, other than a pupil who receives early intervening~~

~~services,~~] may, in accordance with the procedural policy adopted by the governing body of the university school for such matters [,] ***and only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,*** be:

(a) Suspended from the university school pursuant to this section for not more than [10] ***5*** days [.] ***for each occurrence.***

(b) [~~Suspended from the university school for more than 10 days or permanently~~] ***Permanently*** expelled from school pursuant to this section **.** [~~only after the governing body has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~]

5. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each pupil at the beginning of the school year and to each new pupil who enters the university school for profoundly gifted pupils during the year.

(b) Available for public inspection at the university school.

6. The governing body of a university school for profoundly gifted pupils may adopt rules relating to the truancy of pupils who are enrolled in the university school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the governing body adopts rules governing truancy, it shall include the rules in the written rules adopted by the governing body pursuant to subsection 1.

Sec. 3. Chapter 392 of NRS is hereby amended by adding thereto [~~a new section to read as follows:~~] **the provisions set forth as sections 3.3 and 3.7 of this act.**

Sec. 3.3. ***1. Except as otherwise provided in NRS 392.466 and to the extent practicable, a public school shall provide a plan of action based on restorative justice before*** [~~suspending or~~] ***expelling a pupil from school. Such a plan of action may include, without limitation:***

(a) Positive behavioral interventions and support;

(b) A plan for behavioral intervention;

(c) A referral to a team of student support;

(d) A referral to an individualized education program team;

(e) A referral to appropriate community-based services; and

(f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

2. The Department shall adopt regulations necessary to carry out the provisions of this section.

3. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

Sec. 3.7. Each public school shall collect data on the discipline of pupils. Such data must include, without limitation, the number of expulsions and suspensions of pupils and the number of placements of pupils in another school. Such data must be disaggregated into subgroups of pupils and the types of offense. The principal of each public school shall:

1. Review the data and take appropriate action; and

2. Report the data to the board of trustees of the school district each quarter.

Sec. 4. NRS 392.4634 is hereby amended to read as follows:

392.4634 1. Except as otherwise provided in subsection 3, a pupil enrolled in kindergarten or grades 1 to 8, inclusive, may not be disciplined, including, without limitation, pursuant to NRS 392.466, for:

(a) Simulating a firearm or dangerous weapon while playing; or

(b) Wearing clothing or accessories that depict a firearm or dangerous weapon or express an opinion regarding a constitutional right to keep and bear arms, unless it substantially disrupts the educational environment.

2. Simulating a firearm or dangerous weapon includes, without limitation:

(a) Brandishing a partially consumed pastry or other food item to simulate a firearm or dangerous weapon;

(b) Possessing a toy firearm or toy dangerous weapon that is 2 inches or less in length;

(c) Possessing a toy firearm or toy dangerous weapon made of plastic building blocks which snap together;

(d) Using a finger or hand to simulate a firearm or dangerous weapon;

(e) Drawing a picture or possessing an image of a firearm or dangerous weapon; and

(f) Using a pencil, pen or other writing or drawing implement to simulate a firearm or dangerous weapon.

3. A pupil who simulates a firearm or dangerous weapon may be disciplined when disciplinary action is consistent with a policy adopted by the board of trustees of the school district and such simulation:

(a) Substantially disrupts learning by pupils or substantially disrupts the educational environment at the school;

(b) Causes bodily harm to another person; or

(c) Places another person in reasonable fear of bodily harm.

4. Except as otherwise provided in subsection 5, a school, school district, board of trustees of a school district or other entity shall not adopt any policy, ordinance or regulation which conflicts with this section.

5. The provisions of this section shall not be construed to prohibit a school from establishing and enforcing a policy requiring pupils to wear a school uniform as authorized pursuant to NRS 386.855.

6. As used in this section:

(a) "Dangerous weapon" has the meaning ascribed to it in paragraph (b) of subsection ~~[9]~~ ***11*** of NRS 392.466.

(b) "Firearm" has the meaning ascribed to it in paragraph (c) of subsection ~~[9]~~ ***11*** of NRS 392.466.

Sec. 5. NRS 392.4635 is hereby amended to read as follows:

392.4635 1. The board of trustees of each school district shall establish a policy that prohibits the activities of criminal gangs on school property.

2. The policy established pursuant to subsection 1 may include, without limitation:

(a) The provision of training for the prevention of the activities of criminal gangs on school property.

(b) If the policy includes training:

(1) A designation of the grade levels of the pupils who must receive the training.

(2) A designation of the personnel who must receive the training, including, without limitation, personnel who are employed in schools at the grade levels designated pursuant to subparagraph (1).

➥ The board of trustees of each school district shall ensure that the training is provided to the pupils and personnel designated in the policy.

(c) Provisions which prohibit:

(1) A pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang; and

(2) Any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang.

(d) Provisions which provide for the suspension or expulsion ***pursuant to NRS 392.466 and 392.467*** of pupils who violate the policy.

3. The board of trustees of each school district may develop the policy required pursuant to subsection 1 in consultation with:

(a) Local law enforcement agencies;

(b) School police officers, if any;

(c) Persons who have experience regarding the actions and activities of criminal gangs;

(d) Organizations which are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from the gang; and

(e) Any other person deemed necessary by the board of trustees.

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 213.1263.

Sec. 5.5. NRS 392.4644 is hereby amended to read as follows:

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

(a) Be developed with the input and participation of teachers ***, school administrators*** and other educational personnel and support personnel who are

employed [at] ***by*** the school [,] ***district,*** and the parents and guardians of pupils who are enrolled in [the school.] ***schools within the school district.***

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

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of [the] ***each*** school [.] ***within the school district.***

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

(e) ***Provide for the placement of a pupil in a different school within the school district in accordance with NRS 392.466.***

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

(g) Be posted on the Internet website maintained by the school district.

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

(a) Review the plan ***established by subsection 1*** in consultation with the teachers ***, school administrators*** and other educational personnel and support personnel who are employed at the school [;] ***and the parents and guardians of pupils and the pupils who are enrolled in the school;***

(b) Based upon the review, [make] ***recommend to the board of trustees of the school district*** revisions to the plan, as recommended by the teachers ***, school administrators*** and other educational personnel and support personnel [,] ***and the parents and guardians of pupils and the pupils who are enrolled in the school,*** if necessary;

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

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

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

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

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

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

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

(a) Submit a written report to the Superintendent of Public Instruction [based upon the compilation submitted pursuant to subsection 3] that reports

the progress of each school within the district in complying with the requirements of this section; and

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

Sec. 6. NRS 392.4655 is hereby amended to read as follows:

392.4655 1. Except as otherwise provided in this section, a principal of a school shall deem a pupil enrolled in the school a habitual disciplinary problem if the school has written evidence which documents that in 1 school year:

(a) The pupil has threatened or extorted, or attempted to threaten or extort, another pupil or a teacher or other personnel employed by the school two or more times or the pupil has a record of five suspensions from the school for any reason; and

(b) The pupil has not entered into and participated in a plan of behavior pursuant to subsection 5.

2. At least one teacher of a pupil who is enrolled in elementary school and at least two teachers of a pupil who is enrolled in junior high, middle school or high school may request that the principal of the school deem a pupil a habitual disciplinary problem. Upon such a request, the principal of the school shall meet with each teacher who made the request to review the pupil's record of discipline. If, after the review, the principal of the school determines that the provisions of subsection 1 do not apply to the pupil, a teacher who submitted a request pursuant to this subsection may appeal that determination to the board of trustees of the school district. Upon receipt of such a request, the board of trustees shall review the initial request and determination pursuant to the procedure established by the board of trustees for such matters.

3. If a pupil is suspended, the school in which the pupil is enrolled shall provide written notice to the parent or legal guardian of the pupil that contains:

(a) A description of the act committed by the pupil and the date on which the act was committed;

(b) An explanation that if the pupil receives five suspensions on his or her record during the current school year and has not entered into and participated in a plan of behavior pursuant to subsection 5, the pupil will be deemed a habitual disciplinary problem;

(c) An explanation that, pursuant to subsection ~~[3]~~ ***5*** of NRS 392.466, a pupil who is deemed a habitual disciplinary problem may be:

(1) Suspended from school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(2) Expelled from school under extraordinary circumstances as determined by the principal of the school;

(d) If the pupil has a disability and is participating in a program of special education pursuant to NRS 388.419, an explanation of the effect of subsection ~~[8]~~ ***10*** of NRS 392.466, including, without limitation, that if it is determined in accordance with 20 U.S.C. § 1415 that the pupil's behavior is not a

manifestation of the pupil's disability, he or she may be suspended or expelled from school in the same manner as a pupil without a disability; and

(e) A summary of the provisions of subsection 5.

4. A school shall provide the notice required by subsection 3 for each suspension on the record of a pupil during a school year. Such notice must be provided at least 7 days before the school deems the pupil a habitual disciplinary problem.

5. If a pupil is suspended, the school in which the pupil is enrolled ~~[may]~~ ***shall*** develop, in consultation with the pupil and the parent or legal guardian of the pupil, a plan of behavior for the pupil. ***The parent or legal guardian of the pupil may choose for the pupil not to participate in the plan of behavior. If the parent or legal guardian of the pupil chooses for the pupil not to participate, the school shall inform the parent or legal guardian of the consequences of not participating in the plan of behavior.*** Such a plan must be designed to prevent the pupil from being deemed a habitual disciplinary problem and may include, without limitation:

(a) A plan for graduating if the pupil is deficient in credits and not likely to graduate according to schedule.

(b) Information regarding schools with a mission to serve pupils who have been:

(1) Expelled or suspended from a public school, including, without limitation, a charter school; or

(2) Deemed to be a habitual disciplinary problem pursuant to this section.

(c) A voluntary agreement by the parent or legal guardian to attend school with his or her child.

(d) A voluntary agreement by the pupil and the pupil's parent or legal guardian to attend counseling, programs or services available in the school district or community.

(e) A voluntary agreement by the pupil and the pupil's parent or legal guardian that the pupil will attend summer school, intersession school or school on Saturday, if any of those alternatives are offered by the school district.

6. If a pupil commits the same act for which notice was provided pursuant to subsection 3 after he or she enters into a plan of behavior pursuant to subsection 5, the pupil shall be deemed to have not successfully completed the plan of behavior and may be deemed a habitual disciplinary problem.

7. A pupil may, pursuant to the provisions of this section, enter into one plan of behavior per school year.

8. The parent or legal guardian of a pupil who has entered into a plan of behavior with a school pursuant to this section may appeal to the board of trustees of the school district a determination made by the school concerning the contents of the plan of behavior or action taken by the school pursuant to the plan of behavior. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

Sec. 7. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus ~~[must, for the first occurrence, be suspended or expelled from that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:]~~ ***and who is*** ~~***[not excepted from criminal liability pursuant to NRS 194.010]***~~ <u>at least 11 years of age</u> ***shall meet with the school and his or her parent or legal guardian. The school shall provide a plan of action based on restorative justice to the parent or legal guardian of the pupil. The pupil may be expelled from the school, in which case the pupil shall:***

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. ***An employee who is a victim of a battery which results in the bodily injury of an employee of the school may appeal to the school the plan of action provided pursuant to subsection 1 if*** ~~***[the]***~~ <u>***:***</u>

<u>***(a) The***</u> ***employee feels any actions taken pursuant to such plan are inappropriate*** ~~***[.]***~~ <u>***; and***</u>

<u>***(b) For a pupil who committed the battery and is participating in a program of special education pursuant to NRS 388.419, the board of trustees of the school district has reviewed the circumstances and determined that such an appeal is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.***</u>

3. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

~~[3.]~~ ***4. If a school is unable to retain a pupil in the school pursuant to subsection 1 for the safety of any person or because doing so would not be in the best interest of the pupil, the pupil may be suspended, expelled or placed in another school*** **.** ***~~[of the same kind.]~~ If a pupil is placed in another school*** **,** ***~~[of the same kind,]~~ the current school of the pupil shall explain what services will be provided to the pupil at the new school that the current school is unable to provide to address the specific needs and behaviors of the pupil. The school district of the current school of the pupil shall coordinate with the new school or the board of trustees of the school district of the new school to create a plan of action based on restorative justice for the pupil and to ensure that any resources required to execute the plan of action based on restorative justice are available at the new school.***

5. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, ***the pupil is ~~[not excepted from criminal liability pursuant to NRS 194.010]~~ at least 11 years of age and the school has made a reasonable effort to complete a plan of action based on restorative justice with the pupil,*** the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

~~[4.]~~ ***6.*** If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS, become an opt-in child or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

~~[5.]~~ ***7.*** The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to ~~[the]~~ ***a*** suspension or expulsion ~~[requirement, as applicable, of subsection 1, 2 or 3]~~ ***pursuant to subsections 1 to 5, inclusive,*** if such modification is set forth in writing. ***The superintendent shall allow such a modification if the superintendent determines that a plan of action based on restorative justice may be used successfully.***

~~[6.]~~ ***8.*** This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

~~[7. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2,]~~

9. Except as otherwise provided in this section, a pupil who is ~~[excepted from criminal liability pursuant to NRS 194.010]~~ not more than 10 years of age must not be ~~[suspended from school or]~~ permanently expelled from school. In extraordinary circumstances, a school may request an exception to this subsection from the board of trustees of the school district. A pupil who is ~~[not excepted from criminal liability pursuant to NRS 194.010]~~ at least 11 years of age may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

~~[8.]~~ ***10.*** A pupil ***who is ~~[not excepted from criminal liability pursuant to NRS 194.010]~~ at least 11 years of age and*** who is participating in a program of special education pursuant to NRS 388.419 ~~[, other than a pupil who receives early intervening services,]~~ may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters ~~[,]~~ ***and only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.,*** be:

(a) Suspended from school pursuant to this section for not more than ~~[10]~~ ***5*** days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) ~~[Suspended from school for more than 10 days or permanently]~~ ***Permanently*** expelled from school pursuant to this section ***.*** ~~[only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.~~

~~9.]~~ ***11.*** As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

(d) "Restorative justice" has the meaning ascribed to it in subsection 3 of section ~~[3]~~ 3.3 of this act.

~~[10.]~~ ***12.*** The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil

is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 8. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections ~~[4]~~ ***5*** and ~~[5 ,]~~ ***6 and NRS 392.466,*** the board of trustees of a school district may authorize the suspension or expulsion of any pupil ***who is*** ~~***[not excepted from criminal liability pursuant to NRS 194.010]***~~ ***at least 11 years of age*** from any public school within the school district. ***Except as otherwise provided in NRS 392.466, a pupil who is*** ~~***[excepted from criminal liability pursuant to NRS 194.010]***~~ ***not more than 10 years of age must not be*** ~~***[suspended from school or]***~~ ***permanently expelled from school.***

2. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** no pupil may be suspended or expelled until the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity for a hearing, except that a pupil who ~~[poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or]~~ is found to be in possession of a ***firearm or a*** dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his or her removal and pending proceedings, to be conducted as soon as practicable after removal, for the pupil's suspension or expulsion.

3. ***The board of trustees of a school district may authorize the expulsion, suspension or removal of a pupil who has been charged with a crime from the school at which the pupil is enrolled regardless of the outcome of any criminal or delinquency proceedings brought against the pupil only if the school:***

(a) Conducts an independent investigation of the conduct of the pupil; and

(b) Gives notice of the charges brought against the pupil by the school to the pupil.

4. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

~~[4.]~~ ***5.*** The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely ***for offenses related to attendance or*** because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

~~[5.]~~ ***6.*** A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters ~~[,]~~ ***and only after the board of trustees of the school district has reviewed the circumstances and***

determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., be:

(a) Suspended from school pursuant to this section for not more than ~~[10]~~ ***5*** days ~~[.]~~ ***for each occurrence.***

(b) ~~[Suspended from school for more than 10 days or permanently]~~ ***Permanently*** expelled from school pursuant to this section **.** ~~[only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.]~~

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

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 176.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 915.

ASSEMBLYMEN YEAGER; BENITEZ-THOMPSON **,** ~~[AND]~~ KRASNER **AND MONROE-MORENO**

AN ACT relating to crimes; enacting the Sexual Assault Survivors' Bill of Rights; defining certain terms relating to victims of sexual assault; creating the Advisory Committee on the Rights of Survivors of Sexual Assault; prescribing the membership and duties of the Advisory Committee; requiring certain information to be provided to a victim of sexual assault; revising certain provisions relating to sexual assault forensic analysis kits; making ~~[appropriations;]~~ **an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides under certain circumstances that a person who: (1) subjects another person or child under the age of 14 years to sexual penetration; or (2) forces another person or child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) **Sections 2-29** of this bill enact the Sexual Assault Survivors' Bill of Rights. **Section 15** of this bill defines the term "survivor" for purposes of the Bill of Rights, and certain other purposes, as a person who is the victim of a sexual assault or certain other persons if the victim is incompetent, deceased or a minor.

Section 16 of this bill provides that the Sexual Assault Survivors' Bill of Rights attaches when a survivor is subject to: (1) a forensic medical examination; or (2) an interview by a law enforcement official ~~[,]~~ **or** prosecutor **.** ~~[or defense attorney.]~~ **Section 17** of this bill grants a survivor the right to consult with: (1) a sexual assault victims' advocate; or (2) an attendant of the

survivor's choosing for support during a sexual assault forensic medical examination and an interview with a law enforcement official ~~[,]~~ **or** prosecutor **.** ~~[or defense attorney.]~~ Further, **section 18** of this bill provides: (1) that ~~[certain communications between a sexual assault victims' advocate and]~~ a survivor ~~[are privileged;]~~ **retains the rights set forth in section 17 even if the survivor has waived such rights during a previous examination or interview; and** (2) that ~~[such privilege may be waived by the survivor; and (3) for the application of certain rules of evidence regarding such communications.]~~ **, except with the consent of the survivor, the fact that the survivor waived the right to consult with a sexual assault victims' advocate is not admissible into evidence for any purpose.**

Section 19 of this bill outlines a survivor's rights before and during a forensic medical examination and prescribe certain duties required of the medical provider. **Section 20** of this bill makes conforming changes to reflect a survivor's rights during an interview with a law enforcement official ~~[,]~~ **or** prosecutor **,** ~~[or defense attorney]~~ and such an interviewer's duties. **Section 21** of this bill affords a survivor the right to counsel under certain circumstances.

Sections 22-24 of this bill set forth procedures regarding the collection and analysis of forensic evidence kits. **Section 25** of this bill prohibits a defendant from challenging his or her conviction based on certain persons not adhering to such collection and analysis timelines. **Section 26** of this bill provides that forensic evidence from the sexual assault may not be used to prosecute a survivor under certain circumstances. **Section 27** of this bill requires the Office of the Attorney General to develop and make available certain information for a survivor regarding his or her sexual assault.

Section 29 of this bill provides a survivor with certain rights regarding the legal process, such as being reasonably protected from the defendant, being allowed to wait at trial in a separate area from the defendant, authorizing the survivor to make a survivor impact statement under certain circumstances and prohibiting the requirement of an examination by polygraph of the survivor before he or she is authorized to participate in certain legal processes.

Section 32 of this bill creates the Advisory Committee on Rights of Survivors of Sexual Assault, and **section 33** of this bill prescribes the duties of the Advisory Committee as related to sexual assault forensic evidence kits, sexual assault victims' advocates and the implementation of the rights guaranteed by the Sexual Assault Survivors' Bill of Rights.

Existing law requires a prosecutor to inform an alleged victim of sexual assault of the final disposition of the case if the case goes to trial. (NRS 200.3784) **Section 35** of this bill additionally requires the prosecutor to provide, upon the written request of the alleged victim, the pretrial disposition of the case and information supplied by the sex offender registry regarding the defendant, if applicable.

Existing law sets forth certain requirements pertaining to the collection and analysis of sexual assault forensic evidence kits. (NRS 200.3786) **Section 36** of this bill requires: (1) a medical provider to notify a law enforcement agency

within 72 hours of conducting a forensic medical examination; and (2) the law enforcement agency to take possession of such a kit within 5 days of such notification.

Existing law requires the State to implement a statewide tracking system for sexual assault forensic evidence kits and to submit an annual report to the Legislature regarding certain data collected by forensic laboratories analyzing such kits. (NRS 200.3786, 200.3788) **Section 36** eliminates the requirement to make such a report. **Section 37** of this bill requires that the survivor be allowed to track or receive certain updates via Internet or telephone.

~~[Section 40 of this bill makes an appropriation of $250,000 to the Office of the Attorney General for the implementation of the Sexual Assault Survivors' Bill of Rights and the Advisory Committee on Rights of Survivors of Sexual Assault.]~~

Section 40.5 of this bill makes an appropriation of ~~[$750,000]~~ **$150,000** for each fiscal year to the Office of the Attorney General for the purpose of awarding grants to organizations that will recruit and train persons to serve as sexual assault victims' advocates.

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

Section 1. Title 14 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 34, inclusive, of this act.

Sec. 2. ***Sections 2 to 29, inclusive, of this act may be cited as the Sexual Assault Survivors' Bill of Rights.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 15, inclusive, of this act have the meaning ascribed to them in those sections.***

Sec. 4. ***"CODIS" has the meaning ascribed to it in NRS 176.09113.***

Sec. 5. ***"DNA profile" has the meaning ascribed to it in NRS 176.09115.***

Sec. 6. ***"Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.***

Sec. 7. ***"Forensic medical examination" has the meaning ascribed to it in NRS 217.300.***

Sec. 8. ***"Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.***

Sec. 9. ***"Law enforcement agency" means any agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.***

Sec. 10. ***1. "Law enforcement official" means:***

(a) Any person employed by a law enforcement agency; or

(b) Any person employed by a public school, private school or institution of higher education whose primary duty is to enforce the law.

2. For purposes of this section:

(a) "Institution of higher education" has the meaning ascribed to it in NRS 179D.045.

(b) "Private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

(c) "Public school" has the meaning ascribed to it in NRS 388.127.

Sec. 11. ***"Medical provider" means any provider of health care, as defined in NRS 629.031, hospital, emergency medical facility or other facility conducting a forensic medical examination of a survivor.***

Sec. 12. (Deleted by amendment.)

Sec. 13. ***"Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.***

Sec. 13.5. ***"Sexual assault victims' advocate" means a victims' advocate or other trained person who is employed or volunteers at an established center for the support of survivors.***

Sec. 14. ***"State DNA Database" means the database established pursuant to NRS 176.09121.***

Sec. 15. ***"Survivor" means a person who is a victim of sexual assault, as defined in NRS 217.280 or, if the victim is incompetent, deceased or a minor, the parent, guardian, spouse, legal representative or other person related to the victim within the second degree of consanguinity or affinity, unless such person is the defendant or accused or is convicted of the sexual assault.***

Sec. 16. ***1. The rights provided to a survivor pursuant to the Sexual Assault Survivors' Bill of Rights attach whenever the survivor is subject to:***

(a) A forensic medical examination; or

(b) An interview by a law enforcement official ~~[,]~~ or prosecutor . ~~[or defense attorney.]~~

2. A survivor retains the rights provided by the Sexual Assault Survivors' Bill of Rights at all times, regardless of whether the survivor:

(a) Agrees to participate in the legal or criminal justice system;

(b) Agrees to speak to a law enforcement official ~~[,]~~ or prosecutor ; ~~[or defense attorney;]~~ or

(c) Consents to a forensic medical examination.

Sec. 17. ***1. A survivor has the right to consult with a sexual assault victims' advocate during:***

(a) Any forensic medical examination; and

(b) Any interview by a law enforcement official ~~[,]~~ or prosecutor . ~~[or defense attorney.]~~

2. A survivor has the right to designate an attendant to provide support during:

(a) Any forensic medical examination; and

(b) Any interview by a law enforcement official ~~[,]~~ or prosecutor . ~~[or defense attorney.]~~

Sec. 18. ***1.*** ***~~[Except as otherwise provided in this subsection, any communication between a survivor and a sexual assault victims' advocate is~~***

~~*privileged. Any information disclosed in the presence of a third party is not privileged unless the communication is privileged pursuant to other law.*~~

~~*2. A waiver of the right of a survivor to consult with a sexual assault victims' advocate, pursuant to section 17 of this act, is a privilege.*~~

~~*3.]*~~ ***A survivor retains the rights pursuant to section 17 of this act even if the survivor has waived such rights during a previous examination or interview.***

~~*[4.]*~~ ***2. Except with the consent of the survivor, the*** ~~*[following are]*~~ ***fact that the survivor waived the right to consult with a sexual assault victims'advocate pursuant to section 17 of this act is not admissible into evidence for any purpose .*** ~~*[:*~~

~~*(a) The waiver of a survivor pursuant to subsection 2.*~~

~~*(b) Any privileged communication between a survivor and a sexual assault victims' advocate.]*~~

Sec. 19. ***1. If a survivor requests a consultation with a sexual assault victims' advocate or an attendant to provide support to the survivor pursuant to section 17 of this act, the medical provider shall summon the sexual assault victims' advocate or attendant before the commencement of the forensic medical examination.***

2. If a sexual assault victims' advocate or an attendant to provide support to the survivor pursuant to section 17 of this act cannot be summoned in a timely manner, the medical provider shall inform the survivor of the ramifications of delaying the forensic medical examination.

3. A survivor must not be required to pay any expense related to a forensic medical examination pursuant to NRS 217.300.

4. After the forensic medical examination, the survivor has the right to use a shower apparatus at no cost, unless a facility which includes a shower apparatus is not available.

5. Before a medical provider commences a forensic medical examination, the medical provider shall inform the survivor of his or her rights pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law by presenting a document developed by the Office of the Attorney General pursuant to section 27 of this act.

6. The person who presents to the survivor the document developed by the Office of the Attorney General pursuant to section 27 of this act shall sign a written acknowledgment indicating that the person presented the document to the survivor. The written acknowledgment must be retained in the case file of the survivor.

Sec. 20. ***1. If a survivor exercises his or her right to consult with a sexual assault victims' advocate during an interview pursuant to section 17 of this act, the law enforcement*** ~~*[officer,]*~~ official or prosecutor ~~*[or defense attorney]*~~ ***conducting the interview, as applicable, shall summon the sexual assault victims' advocate before the commencement of the interview, unless no sexual assault victims' advocate can be summoned in a timely manner.***

2. A survivor has the right to designate an attendant to provide support of his or her choosing during any interview by a law enforcement ~~[officer,]~~ official or prosecutor ~~[or defense attorney]~~ pursuant to section 17 of this act, unless the law enforcement official ~~[,]~~ or prosecutor ~~[or defense attorney]~~ determines, in his or her good faith, that the presence of the attendant would be detrimental to the purpose of the interview.

3. A survivor has the right to be interviewed by a law enforcement official of the gender of the choosing of the survivor. If no law enforcement official of that gender is available in a reasonably timely manner, the survivor may be interviewed by an available law enforcement official of a different gender only upon the consent of the survivor.

4. A law enforcement official ~~[,]~~ or prosecutor ~~[or defense attorney]~~ shall not discourage a survivor from receiving a forensic medical examination.

5. Before commencing an interview with a survivor, the law enforcement official ~~[,]~~ or prosecutor ~~[or defense attorney]~~ conducting the interview shall inform the survivor of his or her rights pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law.

6. Any information conveyed by the law enforcement official ~~[,]~~ or prosecutor ~~[or defense attorney]~~ pursuant to subsection 5 must be conveyed to the survivor by presenting a document developed by the Office of the Attorney General pursuant to section 27 of this act.

7. The person who presents to the survivor the document developed by the Office of the Attorney General pursuant to section 27 of this act shall sign a written acknowledgment indicating that the person presented the document to the survivor. The written acknowledgment must be retained in the case file of the survivor.

Sec. 21. 1. A survivor retains the right to have counsel present during any forensic medical examination, interview, investigation or other interaction with any representative of the legal or criminal justice system within this State pursuant to sections 16 to 20, inclusive, of this act.

2. The treatment of the survivor must not be affected or altered in any way as a result of the decision of the survivor to exercise his or her right to have counsel present during any forensic medical examination, interview, investigation or other interaction with the legal or criminal justice systems within this State.

Sec. 22. 1. A survivor has the right to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.

2. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the survivor requests, in writing at any time prior to such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.

3. Biological evidence, including, without limitation, a sexual assault forensic evidence kit, secured in connection with the investigation or prosecution of a criminal case must be preserved and stored in accordance

with the provisions of this subsection and NRS 176.0912. A sexual assault forensic evidence kit that is in the custody of an agency of criminal justice must be retained for:

(a) If the sexual assault forensic evidence kit is associated with an uncharged or unsolved sexual assault, at least 50 years.

(b) If the sexual assault forensic evidence kit is associated with an unreported or anonymous sexual assault, at least 20 years.

4. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual assault forensic evidence kit at any later date before the expiration of the retention period pursuant to subsection 3.

5. A survivor has the right to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.

Sec. 23. ***Upon the request of a survivor, he or she has the right to be informed of:***

1. The results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;

2. Whether the analysis yielded a DNA profile; and

3. Whether the analysis yielded the DNA profile of the defendant or person accused or convicted of a crime against the survivor or a person already in CODIS.

Sec. 24. ***The failure of a law enforcement agency to take possession of a sexual assault forensic evidence kit pursuant to the Sexual Assault Survivors' Bill of Rights, or the failure of the law enforcement agency to submit such evidence for genetic marker analysis within the timeline prescribed pursuant to the Bill of Rights, does not alter:***

1. The authority of a law enforcement agency to take possession of that evidence or to submit that evidence to a forensic laboratory; and

2. The authority of the forensic laboratory to accept and analyze the evidence or to upload an eligible DNA profile obtained from such evidence to CODIS or the State DNA Database.

Sec. 25. ***1. A defendant or person accused or convicted of a crime against a survivor does not have standing to seek to have his or her conviction or sentence set aside for any failure by a medical provider, law enforcement agency, forensic laboratory or other relevant entity to comply with the timing requirements of the Sexual Assault Survivors' Bill of Rights.***

2. Failure by a medical provider, law enforcement agency, forensic laboratory or other relevant entity to comply with the requirements of the Sexual Assault Survivors' Bill of Rights does not constitute grounds for challenging the validity of a match or any information in the State DNA Database during any criminal or civil proceeding, and any evidence of such a match or any information in the State DNA Database must not be excluded by a court on such grounds.

Sec. 26. ***Forensic evidence from a sexual assault may not be used:***

1. To prosecute a survivor for any:

(a) Misdemeanor; or

(b) Offense related to a controlled substance.

2. As a basis to search for further evidence of any unrelated misdemeanor or any offense related to a controlled substance that may have been committed by the survivor.

Sec. 27. *1. The Office of the Attorney General shall:*

(a) Develop a document that explains the rights of a survivor pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law; and

(b) Make the document available to medical providers, law enforcement officials ~~[,]~~ and *prosecutors* . ~~[and defense attorneys.]~~

2. The document must be in clear language that is comprehensible to a person proficient in English at the reading level of a fifth grader, accessible to persons with visual disabilities and available in all major languages of this State.

3. The document must include, without limitation:

(a) A clear statement that the survivor is not required to participate in the criminal justice system or to receive a forensic medical examination in order to retain the rights provided by the Sexual Assault Survivors' Bill of Rights and other relevant law;

(b) Means of contacting, by telephone or Internet, nearby sexual assault victims' advocates and centers for support for victims of sexual assault;

(c) Information about the availability of temporary and extended orders of protection pursuant to NRS 200.378;

(d) Instructions for requesting the results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;

(e) Information concerning state and federal funds for compensation for medical and other costs associated with the sexual assault; and

(f) Information concerning any municipal, state or federal right to restitution for survivors in the event of a criminal trial.

Sec. 28. *1. Except as otherwise provided in this subsection, a law enforcement agency shall, upon written request by the survivor, furnish within 1 month, free, complete and unaltered copies of all reports of the law enforcement agency concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency. A law enforcement agency may, as appropriate, redact personal identifying information from any reports provided pursuant to this subsection. As used in this section, "personal identifying information" has the meaning ascribed to it in NRS 205.4617.*

2. A prosecutor shall, upon written request of a survivor, provide certain information to the survivor pursuant to NRS 200.3784.

3. Each forensic laboratory shall submit the report concerning the status of sexual assault forensic evidence kits annually pursuant to NRS 200.3786.

Sec. 29. *1. In addition to any other right provided by law, a survivor has the right:*

(a) In any civil or criminal case related to a sexual assault, to be reasonably protected from the defendant and persons acting on behalf of the defendant.

(b) To be free from intimidation, harassment and abuse.

(c) To be treated with fairness and respect for his or her privacy and dignity.

(d) To be heard through a victim impact statement at any proceeding involving any plea, sentencing, postconviction decision or any other proceeding where the rights of the survivor are at issue.

2. A survivor must not be required to submit to an examination by polygraph as a prerequisite to filing an accusatory pleading or participating in any part of the criminal justice system.

3. A court shall make reasonable efforts to provide the survivor and the family, friends and witnesses of the survivor with a secure waiting area or room that is separate from:

(a) The waiting area of the defendant and the family, friends, witnesses and attorneys of the defendant; and

(b) The office of the prosecutor, if applicable.

Sec. 30. (Deleted by amendment.)

Sec. 31. *As used in sections 31 to 34, inclusive, of this act, "Advisory Committee" means the Advisory Committee on Rights of Survivors of Sexual Assault.*

Sec. 32. *1. There is hereby created the Advisory Committee on Rights of Survivors of Sexual Assault.*

2. The Advisory Committee consists of:

(a) The Attorney General;

(b) The Director of the Department of Corrections;

(c) One member who is a law enforcement official working for a local law enforcement agency, appointed by the Nevada Sheriffs' and Chiefs' Association;

(d) One member who is an attorney, appointed by the governing body of the State Bar of Nevada; and

(e) The following members appointed by the Attorney General:

(1) One member who is a survivor and a citizen or lawful resident of this State;

(2) One member who is a representative of an organization supporting the rights of survivors;

(3) One member who is a representative of a center of support for victims of sexual assault;

(4) One member who is a representative of a forensic laboratory;

(5) One member who is a representative of a university, state college or community college within the Nevada System of Higher Education whose duties of his or her occupation include direct services to victims of sexual assault and whose employer is not under investigation by the United States Department of Education for an alleged violation of 20 U.S.C. § 1092 or

Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;

(6) One member who is a representative of an organization that provides services, education or outreach to minority communities;

(7) One member who is a representative of an organization that provides services, education or outreach to lesbian, gay, bisexual, transgender and questioning persons; and

(8) One member who is a nurse examiner who specializes in forensic medical examinations for sexual assault.

3. The Attorney General may appoint not more than three other persons to the Advisory Committee. The total membership of the Advisory Committee must not exceed 15 members.

4. If any organization listed in subsection 2 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Attorney General.

5. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

6. At the first regular meeting of each odd-numbered year, the members of the Advisory Committee shall elect a Chair by majority vote who shall serve until the next Chair is elected.

7. The Advisory Committee shall meet at least once annually at a time and place specified by the Chair and may meet at such further times as deemed necessary by the Chair.

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

9. While engaged in the business of the Advisory Committee, to the extent of legislative appropriation, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. The Attorney General shall provide the staff necessary to carry out the duties of the Advisory Committee.

Sec. 33. ***1. The Advisory Committee shall study practices that are nationally recognized and make recommendations regarding:***

(a) Whether a need exists for additional sexual assault victims' advocates for survivors and, if such a need exists, the Advisory Committee shall, in conjunction with centers of support for victims of sexual assault, organizations for advocates of survivors and other relevant programs or organizations, create a plan for how the State can provide additional sexual

assault victims' advocates to meet such a need, and determine the cost of such a plan.

(b) Whether the need exists to expand the right of a survivor to a sexual assault victims' advocate beyond the forensic medical examination and with a law enforcement official interview, and if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need.

(c) Whether a need exists to provide ongoing evaluation of the implementation of the rights of survivors pursuant to the Sexual Assault Survivors' Bill of Rights and, if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need, legislatively or otherwise.

2. In fulfilling the duties prescribed by subsection 1, the Advisory Committee shall collect:

(a) Data regarding reporting of sexual assaults, arrests relating to sexual assaults, rates of prosecutions relating to sexual assaults, access to victims' services for survivors and any other relevant data necessary relating to sexual assaults for the deliberations and recommendations of the Advisory Committee and, if such data does not exist, the Advisory Committee shall encourage the creation and maintenance of such data; and

(b) Feedback from stakeholders, practitioners and leadership of state and local law enforcement agencies, victims' services, practitioners of forensic science and health care communities to inform the development of best practices for the future, or clinical guidelines regarding the care and treatment of survivors.

3. In undertaking the duties prescribed by subsection 1, the Advisory Committee may retain independent experts. Such experts may:

(a) Request files and records from any law enforcement official. The information obtained from such a request must be kept strictly confidential and reported only as aggregated or anonymized data.

(b) Conduct confidential interviews with law enforcement officials, medical providers, sexual assault victims' advocates and other such persons with direct knowledge of the response process for sexual assaults.

(c) Provide recommendations to the Advisory Committee.

4. On or before September 1 of each even-numbered year, the Advisory Committee shall:

(a) Prepare a report that includes the results of the assessments, developments and recommendations pursuant to this section.

(b) Submit the report prepared to paragraph (a) to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission.

Sec. 34. *1. The Attorney General may apply for and accept any available grants and may accept any bequests, devises, donations or gifts*

from any public or private source to carry out the provisions of sections 31 to 34, inclusive, of this act.

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Committee, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Advisory Committee and its activities pursuant to sections 31 to 34, inclusive, of this act.

Sec. 35. NRS 200.3784 is hereby amended to read as follows:

200.3784 1. ~~[The]~~ ***Upon written request of the alleged victim, the*** prosecuting attorney in any trial brought against a person on a charge of sexual assault shall ***timely*** inform the alleged victim of ~~[the]~~ ***:***

(a) Any pretrial disposition of the case;

(b) The final disposition of the case ~~[.]~~ ***; and***

(c) Information from the record of registration pursuant to NRS 179D.151 regarding the defendant, if applicable.

2. If the defendant is found guilty and the court issues an order or provides a condition of the sentence restricting the ability of the defendant to have contact with the victim or witnesses, the clerk of the court shall:

(a) Keep a record of the order or condition of the sentence; and

(b) Provide a certified copy of the order or condition of the sentence to the victim and other persons named in the order.

Sec. 36. NRS 200.3786 is hereby amended to read as follows:

200.3786 1. ***Within 72 hours after conducting a forensic medical examination, a medical provider shall notify the law enforcement agency having jurisdiction over the alleged sexual assault of the victim and the law enforcement agency shall take possession of the sexual assault forensic evidence kit.***

2. If a law enforcement agency determines it does not have jurisdiction over an alleged sexual assault, the law enforcement agency shall notify the law enforcement agency having proper jurisdiction of such an assault within 5 days after taking possession of the sexual assault forensic evidence kit. After receiving such notice, the law enforcement agency with proper jurisdiction shall take possession of the sexual assault forensic evidence kit.

3. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 30 days after receiving ***notice pursuant to subsection 1 or 2 of*** a sexual assault forensic evidence kit, submit the sexual assault forensic evidence kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis. The provisions of this subsection do not apply to any noninvestigatory sexual assault forensic evidence kit associated with a victim who has chosen to remain anonymous.

~~[2.]~~ ***4. A law enforcement agency shall, not later than 5 days after receiving notice of a sexual assault forensic evidence kit, assign a criminal complaint number to the evidence.***

5. Any law enforcement agency that submits a sexual assault forensic evidence kit to a forensic laboratory shall, immediately following such a submission, notify the victim of the information contained in subsections 1, 2 and 3.

6. A forensic laboratory shall, not later than 120 days after receiving a sexual assault forensic evidence kit from a law enforcement agency, test the sexual assault forensic evidence kit **~~[.]~~** ***, unless the victim requests, in writing, to defer the genetic marker analysis of the sexual assault forensic evidence kit pursuant to section 22 of this act.***

7. Upon completion of a genetic marker analysis, the forensic laboratory shall include **~~[the]~~** ***an eligible*** DNA profile obtained from the genetic marker analysis in the State DNA Database and CODIS.

~~[3. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before January 31 of each year, submit a report 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. If the Legislature is in session, the Director shall ensure that each member of the Assembly and Senate Standing Committees on Judiciary receives a copy of the report. The report must contain:~~

~~(a) With regard to any sexual assault forensic evidence kit received by the forensic laboratory before January 1, 2015:~~

~~(1) The total number of such sexual assault forensic evidence kits tested during the immediately preceding calendar year; and~~

~~(2) The total number of such sexual assault forensic evidence kits that have not been tested.~~

~~(b) With regard to any sexual assault forensic evidence kit received by the forensic laboratory on or after January 1, 2015:~~

~~(1) The total number of such sexual assault forensic evidence kits tested during the immediately preceding calendar year and, for each such sexual assault forensic evidence kit, the date on which:~~

~~(I) The forensic evidence was obtained from a forensic medical examination;~~

~~(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory; and~~

~~(III) The DNA profile obtained from the genetic marker analysis was included in the State DNA Database and CODIS.~~

~~(2) The total number of such sexual assault forensic evidence kits that have not been tested and, for each such sexual assault forensic evidence kit, the date on which:~~

~~(I) The forensic evidence was obtained from a forensic medical examination; and~~

~~(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory.~~

~~4.]~~ ***8.*** As used in this section:

(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.

(b) "State DNA Database" has the meaning ascribed to it in NRS 176.09119.

Sec. 37. NRS 200.3788 is hereby amended to read as follows:

200.3788 1. A statewide program to track sexual assault forensic evidence kits must be established in this State. The Attorney General shall, pursuant to the recommendation of the Sexual Assault Kit Working Group, designate a department or division of the Executive Department of State Government to establish the program. The designated department or division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section.

2. The program to track sexual assault forensic evidence kits must:

(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by a law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.

(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.

(c) Allow a victim of sexual assault to anonymously track or receive ***, by telephone or on an Internet website,*** updates regarding the status and location of his or her sexual assault forensic evidence kit.

3. The department or division designated pursuant to subsection 1 shall, on or before January 1 and July 1 of each year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and post on the Internet website maintained by the department or division a report concerning the statewide program to track sexual assault forensic evidence kits. The report must include:

(a) The number of sexual assault forensic evidence kits in the program in each county.

(b) The number of sexual assault forensic evidence kits for which genetic marker analysis has been completed for each county for the last 6 months.

(c) The number of sexual assault forensic evidence kits added to the program in each county during the last 6 months.

(d) The number of sexual assault forensic evidence kits for which genetic marker analysis has been requested but not completed for each county.

(e) For this State as a whole and each county, the average and median time between a forensic medical examination and receipt of a sexual assault forensic evidence kit by a forensic laboratory for genetic marker analysis, overall and for the last 6 months.

(f) For this State as a whole and each county, the average and median time between receipt of a sexual assault forensic evidence kit by a forensic laboratory and genetic marker analysis, overall and for the last 6 months.

(g) The number of sexual assault forensic evidence kits in each county awaiting genetic marker analysis for more than 1 year and 6 months after forensic medical examination.

4. Each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State shall participate in the statewide program to track sexual assault forensic evidence kits for the purpose of tracking the status of any sexual assault forensic evidence kits in the custody of the agency, prosecutor, laboratory or provider, or a third party under contract with such agency, prosecutor, laboratory or provider.

5. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

6. The department or division designated pursuant to subsection 1 may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section.

7. As used in this section, "Sexual Assault Kit Working Group" means the statewide working group led by the Office of the Attorney General to create policies and procedures to address the backlog of sexual assault forensic evidence kits that have not been tested.

Sec. 38. Section 28 of this act is hereby amended to read as follows:

Sec. 28. 1. Except as otherwise provided in this subsection, a law enforcement agency shall, upon written request by the survivor, furnish within 1 month, free, complete and unaltered copies of all reports of the law enforcement agency concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency. A law enforcement agency may, as appropriate, redact personal identifying information from any reports provided pursuant to this subsection. As used in this section, "personal identifying information" has the meaning ascribed to it in NRS 205.4617.

2. A prosecutor shall, upon written request of a survivor, provide certain information to the survivor pursuant to NRS 200.3784.

3. Each forensic laboratory shall submit the report concerning the status of sexual assault forensic evidence kits annually pursuant to NRS 200.3786.

4. The State shall establish a statewide program to track sexual assault forensic evidence kits pursuant to NRS 200.3788.

Sec. 39. Section 33 of this act is hereby amended to read as follows:

Sec. 33. 1. The Advisory Committee shall study practices that are nationally recognized and make recommendations regarding:

(a) Whether a need exists for additional sexual assault victims' advocates for survivors and, if such a need exists, the Advisory Committee shall, in conjunction with centers of support for victims of sexual assault, organizations for advocates of survivors and other relevant programs or organizations, create a plan for how the State can provide

additional sexual assault victims' advocates to meet such a need, and determine the cost of such a plan.

(b) Whether the need exists to expand the right of a survivor to a sexual assault victims' advocate beyond the forensic medical examination and with a law enforcement official interview, and if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need.

(c) Whether a need exists to provide ongoing evaluation of the implementation of the rights of survivors pursuant to the Sexual Assault Survivors' Bill of Rights and, if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need, legislatively or otherwise.

(d) The effectiveness of the statewide program to track sexual assault forensic evidence kits pursuant to NRS 200.3788.

2. In fulfilling the duties prescribed by subsection 1, the Advisory Committee shall collect:

(a) Data regarding reporting of sexual assaults, arrests relating to sexual assaults, rates of prosecutions relating to sexual assaults, access to victims' services for survivors and any other relevant data necessary relating to sexual assaults for the deliberations and recommendations of the Advisory Committee and, if such data does not exist, the Advisory Committee shall encourage the creation and maintenance of such data; and

(b) Feedback from stakeholders, practitioners and leadership of state and local law enforcement agencies, victims' services, practitioners of forensic science and health care communities to inform the development of best practices for the future, or clinical guidelines regarding the care and treatment of survivors.

3. In undertaking the required duties of the Advisory Committee, the Advisory Committee may retain independent experts. Such experts may:

(a) Request files and records from any law enforcement official. The information obtained from such a request must be kept strictly confidential and reported only as aggregated or anonymized data.

(b) Conduct confidential interviews with law enforcement officials, medical providers, sexual assault victims' advocates and other such persons with direct knowledge of the response process for sexual assaults.

(c) Provide recommendations to the Advisory Committee.

4. On or before September 1 of each even-numbered year, the Advisory Committee shall:

(a) Produce a report that includes the results of the assessments, developments and recommendations pursuant to subsections 1 and 2.

(b) Submit the report prepared to paragraph (a) to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission.

Sec. 40. ~~[There is hereby appropriated from the State General Fund to the Office of the Attorney General the sum of $250,000 for the purposes of implementing the Sexual Assault Survivors' Bill of Rights pursuant to sections 2 to 29, inclusive, of this act and creating the Advisory Committee on Rights of Survivors of Sexual Assault pursuant to sections 31 to 34, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 40.5. 1. There is hereby appropriated from the State General Fund to the Office of the Attorney General for the purpose of awarding grants of money to organizations that will use the grants to recruit and train persons to serve as sexual assault victims' advocates the following sums:

For the Fiscal Year 2019-2020 .... ~~[$750,000]~~ **$150,000**

For the Fiscal Year 2020-2021 .... ~~[$750,000]~~ **$150,000**

2. The Office of the Attorney General may not use more than 10 percent of the money appropriated by subsection 1 to administer the grant program established by this section.

Sec. 41. ~~[Any remaining balance of the appropriation made by section 40 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.]~~ **(Deleted by amendment.)**

Sec. 41.5. Any balance of the sums appropriated by section 40.5 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriations are made or any entity to which money from the appropriations is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 42. 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. 43. 1. This section and sections ~~[40 to 42, inclusive,]~~ **40.5 and 41.5** of this act become effective ~~[upon passage and approval.]~~ **on July 1, 2019.**

2. Sections 1 to 36, inclusive, **and 42** of this act become effective:

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

(b) On January 1, 2020, for all other purposes.

3. Sections 37, 38 and 39 of this act become effective on January 1, 2021.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 236.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 962.

AN ACT relating to crimes; revising provisions relating to preprosecution diversion programs; ~~[creating the Office of the Nevada Sentencing Commission within the Office of the Governor; establishing]~~ **revising** provisions relating to the duties of the Nevada Sentencing Commission; establishing provisions relating to the calculation and use of the amount of certain costs avoided by this State; establishing the Nevada Local Justice Reinvestment Coordinating Council; revising the contents required in the report of any presentence investigation; requiring certain judges to receive training concerning reports of presentence investigations; making various changes concerning probation and parole; authorizing a court to defer or suspend judgment on a case in certain circumstances; revising provisions relating to specialty court programs; revising provisions relating to programs for the treatment of persons who commit domestic violence; reducing the penalty for certain crimes from a category B to a category C felony; revising provisions relating to burglary; increasing the felony theft threshold and revising penalties for various theft offenses; making it unlawful to install or affix a scanning device within or upon a machine used for financial transactions under certain circumstances; making it unlawful to access a scanning device under certain circumstances; revising provisions relating to habitual criminals; requiring the Peace Officers' Standards and Training Commission to develop and implement a behavioral health field response grant program; revising provisions concerning crimes involving controlled substances; repealing provisions relating to programs of treatment for alcoholics and drug addicts and the civil commitment of such persons; **making appropriations to the Division of Parole and Probation of the Department of Public Safety and the Department of Corrections;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a justice court or municipal court to establish a preprosecution diversion program to which it may assign eligible defendants

charged with certain misdemeanors. (NRS 174.031, 174.032) **Section 3** of this bill authorizes a district court to establish such a program, and **section 2** of this bill authorizes eligible defendants charged with certain gross misdemeanors or felonies to participate in such a program.

Existing law establishes programs for the treatment of mental illness and intellectual disabilities and for the treatment of veterans and members of the military to which a court may assign certain persons. (NRS 176A.250-176A.265, 176A.280-176A.295) Existing law also establishes a program of treatment for alcoholics and drug addicts to which a court may assign certain persons and provides for the civil commitment of alcoholics and drug addicts convicted of a crime. (NRS 453.580, 458.290-458.350) **Section 27** of this bill revises provisions relating to the eligibility of a defendant to participate in a program for the treatment of mental illness and intellectual disabilities, and **sections 29 and 29.5** of this bill revise provisions relating to the eligibility of a defendant to participate in a program for the treatment of veterans and members of the military. **Section 136** of this bill repeals the provisions of law concerning the program of treatment for alcoholics and drug addicts and the civil commitment of such persons. **Sections 20-23** of this bill set forth provisions relating to the establishment of a program for the treatment of drug or alcohol use to which a court may assign certain persons, which are modeled after the provisions of law governing the programs for the treatment of mental illness and intellectual disabilities and for the treatment of veterans and members of the military. **Sections 22, 27 and 30 of this bill revise provisions relating to the discharge of a defendant from probation and the dismissal of the proceedings against the defendant or the setting aside of a judgment of conviction, as applicable, upon the defendant's fulfillment of the terms and conditions of probation that include the completion of any such program of treatment.**

Existing law generally provides that if a person is found guilty of a category E felony, the district court is required to suspend the execution of the sentence imposed and grant probation to the person. However, the court is also authorized to decide not to grant probation if the person: (1) was serving a term of probation or was on parole for a felony conviction at the time the crime was committed; (2) previously had his or her probation or parole revoked for a felony conviction; or (3) previously had been assigned to a program of treatment and rehabilitation for the abuse of alcohol or drugs and failed to complete the program. (NRS 176A.100) **Section 24** of this bill removes such exceptions to mandatory probation.

Existing law provides that the period of probation or suspension of sentence must not be more than 3 years for a gross misdemeanor or a suspension of sentence imposed pursuant to certain provisions of law and not more than 5 years for a felony. (NRS 176A.500) **Section 34** of this bill revises such time limitations and provides that the period of probation or suspension of sentence must not be more than: (1) twelve months for a gross misdemeanor or certain suspensions of sentence; (2) eighteen months for a category E felony; (3)

twenty-four months for a category C or D felony; or (4) thirty-six months for a category B felony. **Section 34** authorizes the court to extend the period of probation for a period of not more than 12 months if the extension is necessary for the probationer to complete his or her participation in a specialty court program. **Section 17** of this bill requires the Division of Parole and Probation of the Department of Public Safety ("Division") to petition the court to recommend the early discharge of certain persons on probation.

Section 35 of this bill provides that if the court finds that a probationer committed one or more technical violations of the conditions of probation, the court may take certain actions, including temporarily revoking the probation or suspension of sentence and imposing certain terms of imprisonment depending on how many times the probation or suspension of sentence has previously been temporarily revoked. **Section 35** also provides that a probationer who is arrested and detained for a technical violation of probation must have a hearing within 15 calendar days or otherwise must be released from detention and returned to probation status. If such a probationer is released from detention because a timely hearing is not held, the court is authorized to subsequently hold a hearing to determine whether a technical violation occurred and take appropriate action. **Section 35** further prohibits the commission of certain acts from being used as the only basis for the revocation of probation. **Section 101** of this bill provides that if the State Board of Parole Commissioners ("Board") finds that a parolee committed one or more technical violations of the conditions of parole, the Board may take certain actions, including temporarily revoking parole supervisions and imposing certain terms of imprisonment depending on how many times parole has previously been temporarily revoked. **Section 18** of this bill requires the Division to adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation or parole and establishes certain requirements relating to such a system.

Section 19 authorizes a court to defer judgment to a specified future date and set forth specific terms and conditions for the defendant in certain circumstances. If the court finds that the defendant has completed all such conditions, the court is required to discharge the defendant and dismiss the proceedings.

Existing law requires the report of any presentence investigation to contain certain information, including: (1) a recommendation of a minimum term and a maximum term of imprisonment, other term of imprisonment, a fine, or both a fine and term of imprisonment; and (2) if the Division deems appropriate, a recommendation that the defendant undergo a program of regimental discipline. (NRS 176.145) **Section 13** of this bill removes the requirement that the report of any presentence investigation contain such recommendations. **Section 12** of this bill requires each court in which a report of a presentence investigation can be made to ensure that each judge of the court receives

training concerning the manner in which to use the information included in such a report for the purpose of imposing a sentence.

Existing law establishes the crime of burglary. (NRS 205.060) **Section 55** of this bill establishes: (1) certain types of burglary that differ based on the structure in which the crime is committed; and (2) the various penalties imposed for each type of burglary. Existing law authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to the conviction, but excludes certain specified convictions. (NRS 179.245) **Section 37** of this bill prohibits a person from petitioning the court to seal records relating to a conviction of invasion of the home with a deadly weapon.

Existing law provides that a person who commits theft is guilty of: (1) a misdemeanor if the value of the property or services involved in the theft is less than $650; and (2) a category C felony if the value of the property or services involved in the theft is $650 or more. (NRS 205.0835) **Section 58** of this bill increases the felony theft threshold to $1,200 and establishes a tier of penalties based on the value of the property or services involved in the theft. **Sections 59, 60, 61-64, 65-83, 85, 126, 131 and 132** of this bill make conforming changes to various theft offenses that use monetary thresholds.

Existing law makes it a crime for a person to use a scanning device to access, read, obtain, memorize or store information encoded on the magnetic strip of a payment card: (1) without the permission of the authorized user of the card; and (2) with the intent to defraud the user or issuer of the card or any other person. (NRS 205.605) Existing law also makes it a crime for a person to possess a scanning device with the intent to use it for an unlawful purpose. (NRS 205.606) **Section 84.3** of this bill makes it a crime for a person to install or affix a scanning device within or upon a machine used for financial transactions with the intent to use the scanning device for an unlawful purpose. **Section 84.3** also makes it a crime for a person to access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose. **Section 84.3** provides that a person who installs, affixes or accesses a scanning device in such an unlawful manner is guilty of a category C felony.

Existing law exempts certain persons from the provisions governing the unlawful use or possession of scanning devices. Existing law provides that a person is exempt from these provisions if he or she uses or possesses a scanning device without the intent to defraud or commit an unlawful act: (1) in the ordinary course of his or her business; or (2) with the consent of the authorized user of a payment card to complete a financial transaction using that card. (NRS 205.607) **Section 84.5** of this bill expands this exemption to include a person who installs, affixes or accesses a scanning device without the intent to commit an unlawful act: (1) in the ordinary course of his or her business; or (2) to complete such a financial transaction.

Existing law provides that a person who offers, attempts or commits certain unauthorized acts relating to controlled or counterfeit substances is guilty of a

category B felony for the first offense if the controlled substance is classified in schedule I or II and a category C felony for the first offense if the controlled substance is classified in schedule III, IV or V. (NRS 453.321) **Section 112** of this bill decreases such penalties to a category C and category D felony, respectively. **Section 112** also decreases the minimum and maximum terms of imprisonment and the amount of the authorized fine for a third or subsequent offense if the controlled substance is classified in schedule III, IV or V. Existing law prohibits a court from granting probation to a person who is convicted of a second or subsequent offense of certain commercial drug offenses. (NRS 453.321, 453.337, 453.338) **Sections 112, 116 and 117** of this bill generally authorize a court to grant probation if mitigating circumstances exist that warrant the granting of probation.

Existing law prohibits the trafficking of: (1) schedule I controlled substances other than marijuana; (2) marijuana or concentrated cannabis; and (3) schedule II controlled substances. The penalties for each such offense vary based on the quantity of the controlled substance that is trafficked. (NRS 453.3385, 453.339, 453.3395) **Sections 119 and 121** of this bill revise the quantity of schedule I controlled substances other than marijuana and schedule II controlled substances, respectively, for the purposes of imposing a penalty. **Section 122** of this bill provides that the court may grant probation to or suspend the sentence of certain persons who are convicted of trafficking a controlled substance.

Existing law provides that it is unlawful for a person to knowingly use or be under the influence of a controlled substance except in accordance with a lawfully used prescription or when administered to the person at certain rehabilitation clinics or hospitals. A person who violates any such provision is guilty of a gross misdemeanor or category E felony depending on the schedule in which the controlled substance is listed. (NRS 453.411) **Section 122.5** of this bill decreases the penalty for such a violation to a misdemeanor, regardless of the schedule in which the controlled substance is listed.

Section 113 of this bill revises the penalties for simple possession of a controlled substance based on the quantity possessed and the schedule in which the controlled substance is listed. **Section 86** of this bill prohibits a conviction of simple possession or unlawful use of a controlled substance from being used for purposes of determining whether a person is a habitual criminal.

Existing law establishes various crimes for which the penalty is a category B felony. (NRS 205.605, 453.316, 465.088, 484D.335) **Sections 84, 111, 125 and 130** of this bill reduce the penalty for any such crime to a category C felony.

Existing law provides that a person is a habitual criminal if he or she is convicted of a felony and has previously been convicted at least two times of a felony. (NRS 207.010) **Section 86** provides that a person is a habitual criminal if he or she is convicted of a felony and has previously been convicted at least five times of a felony.

Section 90 of this bill requires the Director of the Department of Corrections ("Director") to administer a risk and needs assessment to each person in the custody of the Department of Corrections ("Department") to measure criminal risk factors and individual needs for the purpose of institutional programming and placement. **Sections 89 and 96** of this bill require the Director and the Chief Parole and Probation Officer, respectively, to include certain topics and courses in staff training.

Section 95 of this bill requires the Division to administer a risk and needs assessment to each probationer and parolee under the Division's supervision at least once every year for the purpose of setting a level of supervision for each probationer and parolee and developing individualized case plans. **Section 95** also requires the Division to administer a subsequent risk and needs assessment to each probationer and parolee at least once every year to determine whether a change in the level of supervision is necessary.

Existing law authorizes the Director to assign an offender to the Division to serve a term of residential confinement or other appropriate supervision for not longer than the remainder of his or her sentence in certain circumstances, including if the offender is in ill health and expected to die within 12 months and does not pose a threat to public safety. (NRS 209.3925) **Section 91** of this bill increases the time within which such an offender is expected to die to 18 months. **Section 91** also establishes requirements relating to a request for medical release that must be submitted to the Director. **Section 93.3** of this bill authorizes the Board to grant geriatric parole to certain persons who: (1) are 65 years of age or older; (2) have not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; and (3) have served 8 consecutive years in the custody of the Department or at least a majority of the maximum term or maximum aggregate term of his or her sentence, whichever occurs earlier.

Section 93.7 of this bill requires the Division to recommend the early discharge of a person from parole to the Board in certain circumstances and authorizes the Board to adopt any regulations necessary to carry out provisions relating to the early discharge of such a person.

Section 97 of this bill authorizes the Board to grant parole without a meeting to prisoners who meet certain criteria. **Section 99** of this bill provides that if the Board has delegated its authority to consider the parole of a prisoner and recommend to the Board that the prisoner be released on parole without a meeting, and a person to whom such authority is delegated does not recommend that the prisoner be released on parole without a meeting, the prisoner must have a parole hearing.

Section 100 of this bill requires: (1) the Department and a prisoner who is eligible for parole to develop, not later than 6 months before the prisoner's parole eligibility date, a reentry plan that takes into consideration the needs, limitations and capabilities of each prisoner; and (2) the Division to review

and, if appropriate, approve such a reentry plan. **Section 92** of this bill revises the duties of the Director relating to the release of offenders from prison by requiring the Director to: (1) provide the offender with a photo identification card if the offender is not in possession of a photo identification card; (2) provide the offender with clothing; (3) provide the offender with certain transportation costs; (4) if appropriate, release the offender to a facility for transitional living; (5) complete enrollment application paperwork for Medicaid and Medicare for an eligible offender; and (6) provide the offender with a 30-day supply of prescribed medication if the offender was receiving such medication while in prison. **Section 92** also requires the Director to clearly indicate on any photo identification card provided to an offender whether or not the Director has verified the full legal name and age of the offender.

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence. (NRS 439.258) **Section 110.5** of this bill provides that such regulations must include provisions requiring that a program: (1) include a module specific to victim safety; and (2) be based on evidence-based practices and the assessment of a program participant by a supervisor of treatment or provider of treatment. **Section 102** of this bill revises the definition of the term "victim" for purposes of the provisions of law governing compensation for certain victims of criminal acts.

Section 104 of this bill requires the Peace Officers' Standards and Training Commission ("POST") to develop and implement, subject to available funding, a behavioral health field response grant program to allow law enforcement and behavioral health professionals to safely respond to crises involving persons with behavioral health issues. **Section 104** establishes the application and selection processes for and certain requirements relating to grant recipients. **Section 104** also requires POST to submit an annual report during each year the grant program is funded to the Governor and the Chairs of the Senate and Assembly Standing Committees on Judiciary that contains information relating to the grant programs. **Section 105** of this bill requires every law enforcement agency to: (1) establish a policy and procedure for interacting with persons who suffer from a behavioral health issue; and (2) subject to available funding, contract with or employ a behavioral health specialist. **Section 107** of this bill requires POST to develop and approve a standard curriculum of certified training programs in crisis intervention to address specialized responses to persons with mental illness. **Section 108** of this bill requires POST to establish by regulation standards for a voluntary program for the training of law enforcement dispatchers that includes training relating to such crisis intervention.

~~[Existing law establishes the Nevada Sentencing Commission ("Sentencing Commission"), which is charged with, among other duties, identifying and studying the sentencing of offenders convicted of a crime in this State and~~

~~making recommendations concerning the adoption of sentencing guidelines. (NRS 176.0131-176.0139) Section 5.5 of this bill creates the Office of the Nevada Sentencing Commission within the Office of the Governor and provides for the appointment of an Executive Director of the Office. Section 5.6 of this bill prescribes the duties of the Executive Director. Section 5.7 of this bill requires the Executive Director to select at least one research analyst and two secretaries for the Office and provides for the duties of those positions. Section 9.3 of this bill: (1) revises the membership of the Sentencing Commission to remove the Attorney General and the State Public Defender; (2) revises the membership of the Sentencing Commission to add a member from the Office of the Clark County Public Defender and the Office of the Washoe County Public Defender; and (3) requires the Sentencing Commission to hold its first meeting on or before September 1 of each odd-numbered year.~~

~~Existing law requires the Sentencing Commission to be provided with such staff as is necessary, to the extent of legislative appropriation, by the Director of the Legislative Counsel Bureau. (NRS 176.0133) Section 9.3 designates the Executive Director as the Executive Secretary of the Sentencing Commission and transfers the staffing of the Sentencing Commission to the newly established Office. Section 9.7 of this bill revises the duties of the Sentencing Commission to: (1) include the oversight of the Executive Director; and (2) provide certain recommendations and advice concerning the Office.]~~

Section 6 of this bill requires the **Nevada** Sentencing Commission **("Sentencing Commission")** to: (1) track and assess outcomes resulting from, and trends observed after, the enactment of this bill; and (2) submit a biennial report to the Governor, the Legislature and the Chief Justice of the Supreme Court regarding such outcomes and performance measures. **Section 7** of this bill requires the Sentencing Commission to: (1) calculate for each fiscal year the amount of the costs avoided by this State because of the enactment of this bill; and (2) submit to the Governor and the Legislature a statement of the amount of such avoided costs and recommendations for the reinvestment of the amount of those avoided costs in certain programs. **Section 8** of this bill creates the Nevada Local Justice Reinvestment Coordinating Council, which: (1) consists of one member from each county in the State whose population is less than 100,000 and two members from each county in the State whose population is 100,000 or more; and (2) is required to advise the Sentencing Commission on matters concerning the provisions of this bill as they relate to local governments and nonprofit organizations and to perform certain other duties.

Section 133.5 of this bill makes certain appropriations from the State General Fund to the Division and the Department in each fiscal year of the 2019-2021 biennium.

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

Section 1. NRS 174.015 is hereby amended to read as follows:

174.015 1. ~~[Except as otherwise provided in subsection 3, arraignment shall]~~ ***Arraignment must*** be conducted in open court and ~~[shall]~~ ***must*** consist of reading the indictment or information to the defendant or stating the substance of the charge and calling on the defendant to plead thereto. The defendant ~~[shall]~~ ***must*** be given a copy of the indictment or information before the defendant is called upon to plead.

2. In justice court or municipal court, before the trial commences, the complaint must be distinctly read to the defendant before the defendant is called upon to plead.

~~[3. In justice court or municipal court, before the defendant is called upon to plead, the court shall determine whether the defendant is eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031.]~~

Sec. 2. NRS 174.031 is hereby amended to read as follows:

174.031 1. At the arraignment of a defendant in justice court or municipal court ~~[,]~~ ***or after the transfer of a case to district court,*** but before the entry of a plea, the court may determine whether the defendant is eligible for assignment to a preprosecution diversion program established pursuant to NRS 174.032. The court shall receive input from the prosecuting attorney and the attorney for the defendant, if any, whether the defendant would benefit from and is eligible for assignment to the program.

2. A defendant may be determined to be eligible by the court for assignment to a preprosecution diversion program if the defendant:

(a) Is charged with a misdemeanor ***, gross misdemeanor or felony*** other than:

(1) A crime of violence as defined in NRS 200.408;

(2) ***Any offense that resulted in the death of or substantial bodily harm to another person;***

(3) Vehicular manslaughter as described in NRS 484B.657;

~~[(3)]~~ ***(4)*** Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 484C.130; or

~~[(4)]~~ ***(5)*** A minor traffic offense; and

(b) Has not previously been:

(1) Convicted of violating any criminal law other than a minor traffic offense; or

(2) Ordered by a court to complete a preprosecution diversion program in this State.

3. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to subsection 2, the ***district court,*** justice court or municipal court may order the defendant to complete the program pursuant to subsection 5 of NRS 174.032.

4. A defendant has no right to complete a preprosecution diversion program or to appeal the decision of the ***district court,*** justice court or municipal court relating to the participation of the defendant in such a program.

Sec. 3. NRS 174.032 is hereby amended to read as follows:

174.032 1. A ***district court,*** justice court or municipal court may establish a preprosecution diversion program to which it may assign a defendant if he or she is determined to be eligible pursuant to NRS 174.031.

2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031, the ***district court,*** justice ***court*** or municipal court must receive input from the prosecuting attorney, the attorney for the defendant, if any, and the defendant relating to the terms and conditions for the defendant's participation in the program.

3. A preprosecution diversion program established by a ***district court,*** justice court or municipal court pursuant to this section may include, without limitation:

(a) A program of treatment which may rehabilitate a defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling or a program of treatment for veterans and members of the military, mental illness or intellectual disabilities or the ~~[abuse]~~ ***use*** of alcohol or drugs;

(b) Any appropriate sanctions to impose on a defendant, which may include, without limitation, community service, restitution, prohibiting contact with certain persons or the imposition of a curfew; and

(c) Any other factor which may be relevant to determining an appropriate program of treatment or sanctions to require for participation of a defendant in the preprosecution diversion program.

4. If the ***district court,*** justice court or municipal court determines that a defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the ~~[abuse]~~ ***use*** of alcohol or drugs, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS 176A.250, 176A.280 or ~~[453.580.]~~ ***section 20 of this act.*** The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.

5. The ***district court,*** justice court or municipal court shall, when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:

(a) Any program of treatment the defendant is required to complete;

(b) Any sanctions and the manner in which they must be carried out by the defendant;

(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;

(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and

(e) A notice relating to the provisions of subsection 3 of NRS 174.033.

6. A defendant assigned to a preprosecution diversion program shall pay the cost of any program of treatment required by this section to the extent of his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.

7. If restitution is ordered to be paid pursuant to subsection 5, the defendant must make a good faith effort to pay the required amount of restitution in full. If the ***district court,*** justice court or municipal court determines that a defendant is unable to pay such restitution, the court must require the defendant to enter into a judgment by confession for the amount of restitution.

Sec. 4. NRS 174.033 is hereby amended to read as follows:

174.033 1. If the ***district court,*** justice court or municipal court determines that a defendant has successfully completed the terms and conditions of a preprosecution diversion program ordered pursuant to subsection 5 of NRS 174.032, the court must discharge the defendant and dismiss the indictment, information, complaint or citation.

2. Discharge and dismissal pursuant to subsection 1 is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the indictment, information, complaint or citation. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the indictment, information, complaint or citation in response to an inquiry made of the defendant for any purpose.

3. If the ***district court,*** justice court or municipal court determines that a defendant has not successfully completed the terms or conditions of a preprosecution diversion program ordered pursuant to subsection 5 of NRS 174.032, the court must issue an order terminating the participation of the defendant in the preprosecution diversion program and order the defendant to appear for an arraignment to enter a plea based on the original indictment, information, complaint or citation pursuant to NRS 174.015.

Sec. 5. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[5.2 to]~~ **6, 7 and** 8 ~~[, inclusive,]~~ of this act.

Sec. 5.2. ~~[*As used in NRS 176.0132 to 176.0139, inclusive, and sections 5.2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 176.0132 and sections 5.3 and 5.4 of this act have the meanings ascribed to them in those sections.*]~~ **(Deleted by amendment.)**

Sec. 5.3. ~~[*"Executive Director" means the Executive Director of the Office.*]~~ **(Deleted by amendment.)**

Sec. 5.4. ~~[*"Office" means the Office of the Nevada Sentencing Commission created by section 5.5 of this act.*]~~ **(Deleted by amendment.)**

Sec. 5.5. [~~***1. The Office of the Nevada Sentencing Commission is hereby created within the Office of the Governor.***~~

~~***2. The Executive Director of the Office must be appointed by the Governor from a list of three persons recommended by the Sentencing Commission.***~~

~~***3. The Executive Director:***~~

~~***(a) Is not in the classified or unclassified service of this State;***~~

~~***(b) Serves at the pleasure of the Sentencing Commission, except that the Executive Director may only be removed upon a finding by the Sentencing Commission that his or her performance is unsatisfactory;***~~

~~***(c) Must be an attorney licensed to practice law in this State; and***~~

~~***(d) Shall devote his or her entire time and attention to the duties of his or her office and shall not engage in any other gainful employment or occupation.***~~] **(Deleted by amendment.)**

Sec. 5.6. [~~***The Executive Director appointed pursuant to section 5.5 of this act shall:***~~

~~***1. Oversee all of the functions of the Office.***~~

~~***2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.***~~

~~***3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Office and provide such information to the Sentencing Commission as requested.***~~

~~***4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Office.***~~

~~***5. Establish the budget for the Office.***~~

~~***6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.***~~

~~***7. Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.***~~

~~***8. Assist in the development, presentation and submittal of any legislative measure requested by the Sentencing Commission pursuant to NRS 218D.216.***~~

~~***9. Assist in preparing the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection 11 of NRS 176.0134 and submit the report pursuant to subsection 12 of that section.***~~

~~***10. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0132 to 176.0139, inclusive, and sections 5.2 to 8, inclusive, of this act.***~~] **(Deleted by amendment.)**

Sec. 5.7. [~~***1. In addition to the Executive Director, the Office must include not less than one research analyst and two secretaries, each of whom***~~

~~***must be selected by the Executive Director and serve at the pleasure of the Executive Director.***~~

~~***2. The research analyst:***~~

~~***(a) May be an attorney licensed to practice law in this State;***~~

~~***(b) Is not in the classified or unclassified service of this State;***~~

~~***(c) Must be proficient in the use, collection and analysis of statistics and data; and***~~

~~***(d) Shall devote his or her entire time and attention to his or her duties as specified by the Executive Director and shall not engage in any other gainful employment or occupation.***~~

~~***3. The secretaries selected pursuant to subsection 1:***~~

~~***(a) Are not in the classified or unclassified service of this State;***~~

~~***(b) Must include not less than one secretary who is proficient in transcribing minutes; and***~~

~~***(c) Shall be responsible for preparing and posting agendas, transcribing minutes and performing any other duties assigned by the Executive Director.]***~~ **(Deleted by amendment.)**

Sec. 6. ***1. The Sentencing Commission shall:***

(a) Track and assess outcomes resulting from the enactment of this act, including, without limitation, the following data from the Department of Corrections:

(1) With respect to prison admissions:

(I) The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score;

(II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and

(III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.

(2) With respect to parole and release from prison:

(I) The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(III) The recidivism rate of persons released from prison by type of release; and

(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type

of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.

(3) With respect to the number of persons in prison:

(I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;

(III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and

(IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

(b) Track and assess outcomes resulting from the enactment of this act with respect to the following data, which the Division shall collect and report to the Sentencing Commission:

(1) With respect to the number of persons on probation or parole:

(I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The average term of probation imposed for persons on probation by type of offense;

(III) The average time served by persons on probation or parole by type of discharge, felony category and type of offense;

(IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;

(V) The total number of supervision discharges by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;

(VI) The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism;

(VII) The number of persons identified as having a mental health issue or a substance use disorder; and

(VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

(2) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:

(I) The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;

(II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;

(III) The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and

(IV) The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

(c) Track and assess outcomes resulting from the enactment of this act with respect to savings and reinvestment, including, without limitation:

(1) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;

(2) The total annual costs avoided by this State because of the enactment of this act, as calculated pursuant to section 7 of this act; and

(3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(d) Track and assess trends observed after the enactment of this act, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

(1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and

(2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

(f) Prepare and submit a report not later than the first day of the second full week of each regular session of the Legislature to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Chief Justice of the Nevada Supreme Court. The report must include recommendations for improvements, changes and budgetary adjustments and may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

(g) Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:

(a) "Technical violation" has the meaning ascribed to it in section 18 of this act.

(b) "Type of admission" means the manner in which a person entered into the custody of the Department of Corrections, according to the internal definitions used by the Department of Corrections.

(c) "Type of offense" means an offense categorized by the Department of Corrections as a violent offense, sex offense, drug offense, property offense, DUI offense or other offense, consistent with the internal data systems used by the Department of Corrections.

Sec. 7. ***1. The Sentencing Commission shall develop a formula to calculate for each fiscal year the amount of costs avoided by this State because of the enactment of this act. The formula must include, without limitation, a comparison of:***

(a) The annual projection of the number of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to NRS 176.0129 for calendar year 2018; and

(b) The actual number of persons who are in a facility or institution of the Department of Corrections during each year.

2. Not later than December 1 of each fiscal year, the Sentencing Commission shall use the formula developed pursuant to subsection 1 to calculate the costs avoided by this State for the immediately preceding fiscal year because of the enactment of this act and submit a statement of the amount of the costs avoided to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

3. Not later than August 1 of each even-numbered year, the Sentencing Commission shall prepare a report containing the projected amount of costs avoided by this State for the next biennium because of the enactment of this act and recommendations for the reinvestment of the amount of those costs to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism. In preparing the report, the Commission shall prioritize providing financial support to:

(a) The Department of Corrections for programs for reentry of offenders and parolees into the community, programs for vocational training and employment of offenders, educational programs for offenders and transitional work program for offenders;

(b) The Division for services for offenders reentering the community, the supervision of probationers and parolees and programs of treatment for probationers and parolees that are proven by scientific research to reduce recidivism;

(c) Any behavioral health field response grant program developed and implemented pursuant to section 104 of this act;

(d) The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and

(e) The Nevada Local Justice Reinvestment Coordinating Council created by section 8 of this act for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system.

4. Not later than August 1 of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 8. *1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:*

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county. The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of this act as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive

the per diem allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

Sec. 9. NRS 176.0132 is hereby amended to read as follows:

176.0132 As used in NRS 176.0132 to 176.0139, inclusive, ***and sections 6, 7 and 8 of this act,*** "Sentencing Commission" means the Nevada Sentencing Commission created by NRS 176.0133.

Sec. 9.3. ~~**[**NRS 176.0133 is hereby amended to read as follows:~~

~~176.0133 1. The Nevada Sentencing Commission is hereby created. The Sentencing Commission consists of:~~

~~(a) One member appointed by the Governor;~~

~~(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;~~

~~(c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;~~

~~(d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;~~

~~(e) The Director of the Department of Corrections;~~

~~(f) **[**The Attorney General;~~

~~(g)**]** One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;~~

~~**[**(h)**]** ***(g)*** One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;~~

~~**[**(i) The State Public Defender;~~

~~(j)**]** ***(h) One member who is a representative of the Office of the Clark County Public Defender, appointed by the head of the Office of the Clark County Public Defender;***~~

~~***(i)*** One member who is a representative of the **[**office**]** ***Office*** of **[**a county public defender,**]** ***the Washoe County Public Defender,*** appointed by the **[**governing body of the State Bar**]** ***head*** of **[**Nevada;~~

~~(k)**]** ***the Office of the Washoe County Public Defender;***~~

~~***(j)*** One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;~~

~~**[**(l)**]** ***(k)*** One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;~~

~~**[**(m)**]** ***(l)*** One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;~~

~~**[**(n)**]** ***(m)*** One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;~~

[(o)] *(n)* One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

[(p)] *(o)* One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

[(q)] *(p)* One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;

[(r)] *(q)* One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

[(s)] *(r)* Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

[(t)] *(s)* Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

[(u)] *(t)* The Director of the Department of Employment, Training and Rehabilitation; and

[(v)] *(u)* One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission.

2. ***The Executive Director shall serve as the Executive Secretary of the Sentencing Commission.***

3. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.

[3.**]** ***4.*** Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Sentencing Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

[4.**]** ***5.*** The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.

[5.**]** ***6.*** At the first regular meeting of each odd-numbered year, the members of the Sentencing Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

[6.**]** ***7.*** The Sentencing Commission shall **[**meet**]** ***:***

(a) Hold its first meeting on or before September 1 of each odd-numbered year; and

(b) Meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

[7.**]** ***8.*** A member of the Sentencing Commission may designate a nonvoting alternate to attend a meeting in his or her place.

[8.] *9.* A majority of the members of the Sentencing Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Sentencing Commission. A nonvoting alternate designated by a member pursuant to subsection 7 who attends a meeting of the Sentencing Commission for which the alternate is designated shall be deemed to be a member of the Sentencing Commission for the purpose of determining whether a quorum exists.

[9.] *10.* While engaged in the business of the Sentencing Commission, to the extent of legislative appropriation, each member of the Sentencing Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

[10. To the extent of legislative appropriation, the Director of the Legislative Counsel Bureau]

11. The Office shall provide the Sentencing Commission with such staff as [is necessary] ***prescribed in sections 5.5, 5.6 and 5.7 of this act*** to carry out the duties of the Sentencing Commission.] **(Deleted by amendment.)**

Sec. 9.7. [NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, without limitation, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences

~~which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.~~

~~(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.~~

~~(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.~~

~~(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.~~

~~(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.~~

~~4. Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.~~

~~5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.~~

~~6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.~~

~~7. Identify potential areas of sentencing disparity related to race, gender and economic status.~~

~~8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.~~

~~9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.~~

~~10. ***Oversee the Executive Director and provide recommendations and advice concerning the administration of the Office, including, without limitation:***~~

~~***(a) Receiving reports from the Executive Director and providing direction to the Executive Director concerning measures to be taken by the Office to ensure compliance with the duties of the Sentencing Commission.***~~

~~***(b) Reviewing information from the Office regarding sentencing of offenders in this State.***~~

~~***(c) Directing the Executive Director to conduct any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.***~~

~~***(d) Coordinating with the Executive Director to develop procedures for the identification and collection of data concerning the sentencing of offenders in this State.***~~

~~***(e) Providing direction to the Executive Director concerning any required reports and reviewing drafts of such reports.***~~

~~***(f) Reviewing recommendations of the Executive Director concerning the budget for the Office, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.***~~

~~***(g) Providing advice and recommendations to the Executive Director on any other matter.***~~

~~***11.*** For each regular session of the Legislature, ***with the assistance of the Office,*** prepare a comprehensive report including:~~

~~(a) The Sentencing Commission's recommended changes pertaining to sentencing;~~

~~(b) The Sentencing Commission's findings and any recommendations for proposed legislation; and~~

~~(c) A reference to any legislative measure requested pursuant to NRS 218D.216.~~

~~**[➡]** ***12.*** The report ***prepared pursuant to subsection 11*** must be submitted to **[**the**]** ***:***~~

~~***(a) The Office of the Governor; and***~~

~~***(b) The*** Director of the Legislative Counsel Bureau for distribution to the Legislature not later than January 1 of each odd-numbered year.**]**~~ **(Deleted by amendment.)**

Sec. 10. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask the defendant if:

(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and

(2) The defendant is a veteran or a member of the military. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to NRS 176A.280; or

(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or **[**~~453.580.~~**]** ***section 20 of this act.***

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

➥ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 10.5. NRS 176.033 is hereby amended to read as follows:

176.033 [1.] If a sentence of imprisonment is required or permitted by statute, the court shall:

[(a)] ***1.*** If sentencing a person who has been found guilty of a misdemeanor or a gross misdemeanor, sentence the person to imprisonment for a definite period of time within the maximum limit or the minimum and maximum limits prescribed by the applicable statute, taking due account of the gravity of the particular offense and of the character of the individual defendant.

[(b)] ***2.*** If sentencing a person who has been found guilty of a felony, sentence the person to a minimum term and a maximum term of imprisonment, unless a definite term of imprisonment is required by statute.

[(c)] *3.* If restitution is appropriate, set an amount of restitution for each victim of the offense and for expenses related to extradition in accordance with NRS 179.225.

[2. At any time after a prisoner has been released on parole and has served one-half of the period of parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the State Board of Parole Commissioners, upon the recommendation of the Division, may petition the court of original jurisdiction requesting a modification of sentence. The Board shall give notice of the petition and hearing thereon to the Attorney General or district attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the State Board of Parole Commissioners and good cause appearing, the court may modify the original sentence by reducing the maximum term of imprisonment but shall not make the term less than the minimum term prescribed by the applicable penal statute.]

Sec. 11. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059, 176.0611 and 176.0623, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a

refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs;

(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or ~~[abuses]~~ ***uses*** alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or ~~[453.580.]~~ ***section 20 of this act.***

Sec. 12. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section and NRS 176.151, the Division shall make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a felony.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report:

(a) Must be made before the imposition of sentence or the granting of probation; and

(b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

3. If a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:

(a) A sentence is fixed by a jury; or

(b) Such an investigation and report on the defendant has been made by the Division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the Division shall make presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to, or are found guilty or guilty but mentally ill of, gross misdemeanors.

5. Each court in which a report of a presentence investigation can be made must ensure that each judge of the court receives training concerning the manner in which to use the information included in a report of a presentence investigation for the purpose of imposing a sentence. Such training must include, without limitation, education concerning behavioral health needs and intellectual or developmental disabilities.

Sec. 13. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any:

(1) Prior criminal convictions of the defendant;

(2) Unresolved criminal cases involving the defendant;

(3) Incidents in which the defendant has failed to appear in court when his or her presence was required;

(4) Arrests during the 10 years immediately preceding the date of the offense for which the report is being prepared; and

(5) Participation in any program in a specialty court or any diversionary program, including whether the defendant successfully completed the program;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, including whether the information pertaining to the defendant's financial condition has been verified, the circumstances affecting the defendant's behavior and the circumstances of the defendant's offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and NRS 392.275 to 392.365, inclusive, that relate to the defendant and are made available pursuant to NRS 432B.290 or NRS 392.317 to 392.337, inclusive, as applicable;

(f) The results of ~~[the]~~ ***any*** evaluation ***or assessment*** of the defendant conducted pursuant to NRS ***176A.260, 176A.280 or*** 484C.300 ~~[, if such an evaluation is required pursuant to that section;]~~ ***or section 22 of this act;***

(g) ~~[A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;~~

~~(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;~~

~~(i)]~~ If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and

~~[(j)]~~ ***(h)*** Such other information as may be required by the court.

2. ~~[The Division shall include in the report all scoresheets and scales used in determining any recommendation made pursuant to paragraphs (g) and (h) of subsection 1.~~

~~3.]~~ The Division shall include in the report the source of any information, as stated in the report, related to the defendant's offense, including, without limitation, information from:

(a) A police report;

(b) An investigative report filed with law enforcement; or

(c) Any other source available to the Division.

~~[4.]~~ ***3.*** The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 14. NRS 176.153 is hereby amended to read as follows:

176.153 1. Except as otherwise provided in subsection 3, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than 14 calendar days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 ***.*** ~~[and the recommendations of the Division.]~~

2. In addition to the disclosure requirements set forth in subsection 1, if the Division includes in the report of any presentence investigation made pursuant to NRS 176.135 any information relating to the defendant being affiliated with or a member of a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division shall provide with the information disclosed pursuant to subsection 1 copies of all documentation relied upon by the Division as a basis for including such information in the report, including, without limitation, any field interview cards.

3. The defendant may waive the minimum period required by subsection 1.

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 193.168.

Sec. 15. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to NRS 176.135 ~~[and the recommendations of the Division]~~ and, if applicable, provide the documentation required pursuant to subsection 2 of NRS 176.153, in the period provided in NRS 176.153.

(b) Any general investigation made pursuant to NRS 176.151.

➥ The Division shall afford an opportunity to each party to object to factual errors in any such report ***.*** ~~[and to comment on any recommendations.]~~ The court may order the Division to correct the contents of any such report following sentencing of the defendant if, within 180 days after the date on

which the judgment of conviction was entered, the prosecuting attorney and the defendant stipulate to correcting the contents of any such report.

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Public and Behavioral Health of the Department of Health and Human Services for the limited purpose of performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Nevada Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Sec. 16. Chapter 176A of NRS is hereby amended by adding thereto the provisions set forth as sections 16.5 to 23, inclusive, of this act.

Sec. 16.5. ***"Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from mental illnesses or use alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or section 20 of this act.***

Sec. 17. ***1. The Division shall petition the court to recommend the early discharge of a person from probation if the person:***

(a) Has not violated any condition of probation during the immediately preceding 12 months;

(b) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;

(c) Has paid restitution in full or, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court; and

(d) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the court or the Division.

2. This section must not be construed to prohibit the court from allowing the early discharge of a person from probation if the person does not meet the requirements set forth in subsection 1.

Sec. 18. *1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation or parole. The system must:*

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation or parole.

6. The Division may not seek revocation of probation or parole for a technical violation of the conditions of probation or parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(c) "Technical violation" means any alleged violation of the conditions of probation or parole that is not the commission of a new felony, gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485 or violation of NRS 484C.110 or 484C.120 and does not constitute absconding. The term does not include termination from a specialty court program.

Sec. 19. ***1. Upon a plea of guilty, guilty but mentally ill or nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer judgment on the case to a specified future date and set forth specific terms and conditions for the defendant. The duration of the deferral period must not exceed the applicable period set forth in subsection 1 of NRS 176A.500 or the extension of the period pursuant to subsection 2 of NRS 176A.500.***

2. The terms and conditions set forth for the defendant during the deferral period may include, without limitation, the:

(a) Payment of restitution;

(b) Payment of court costs;

(c) Payment of an assessment in lieu of any fine authorized by law for the offense;

(d) Payment of any other assessment or cost authorized by law;

(e) Completion of a term of community service;

(f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or

(g) Completion of a specialty court program.

3. Upon the consent of the defendant, the court:

(a) Shall defer judgment for any defendant who has entered a plea of guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of subsection 2 of NRS 453.336; or

(b) May defer judgment for any defendant who is placed in a specialty court program. The court may extend any deferral period for not more than 12 months to allow for the completion of a specialty court program.

4. Upon violation of a term or condition:

(a) Except as otherwise provided in paragraph (b):

(1) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(2) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

(b) If the defendant has been placed in the program for a first or second violation of paragraph (a) of subsection 2 of NRS 453.336, the court may allow the defendant to continue to participate in the program or terminate the participation of the defendant in the program. If the court terminates the participation of the defendant in the program, the court shall allow the defendant to withdraw his or her plea.

5. Upon completion of the terms and conditions of the deferred judgment, and upon a finding by the court that the terms and conditions have been met, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of employment,

civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information.

6. The court shall order sealed all documents, papers and exhibits in the defendant'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 if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division or the prosecutor petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

7. If the court orders sealed the record of a defendant discharged pursuant to this section, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 20. ***A court may establish an appropriate program for the treatment of drug or alcohol use to which it may assign a defendant pursuant to NRS 174.032, 176.015, 176A.400, 453.336, 453.3363 or section 19 or 22 of this act. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.***

Sec. 21. ***1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.***

2. As used in this section, "eligible defendant" means a person who:

(a) Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

(b) Has been diagnosed as having a substance use disorder after an in-person clinical assessment; and

(c) Would benefit from assignment to a program established pursuant to section 20 of this act.

Sec. 22. ***1. Except as otherwise provided in paragraph (a) of subsection 3 of section 19 of this act, if a defendant who suffers from a substance use disorder or any co-occurring disorder tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may:***

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and

successful completion of a program established pursuant to section 20 of this act if the court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to section 20 of this act if the court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to section 20 of this act if the defendant is diagnosed as having a substance use disorder or any co-occurring disorder:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; or

(b) Pursuant to a substance use assessment.

3. A counselor or physician who diagnoses a defendant as having a substance use disorder shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant.

4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in NRS 179D.097 ***that is punishable as a category B felony, the defendant is not eligible for assignment to the program.***

5. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction , if applicable, ***and proceed as provided in the section pursuant to which the defendant was charged.***

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. ~~[Except as otherwise provided in this subsection, upon]~~ Upon ***fulfillment of the terms and conditions, the court*** ~~[shall]~~ :

(a) Shall ***discharge the defendant*** ~~[from probation]~~ ***and dismiss the proceedings*** ~~[. If]~~ or set aside the judgment of conviction, as applicable, unless ***the defendant*** ~~[was]~~ :

(1) Has been ***previously convicted in this State or in any other jurisdiction of a felony*** ; ***or***

(2) Has ***previously failed to complete a specialty court program*** ~~[, the court may, upon the defendant's fulfillment of the terms and conditions,]~~ ; or

(b) May discharge the defendant [from probation] and dismiss the proceedings [.] or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 23. ***1. After a defendant is discharged from probation or a case is dismissed pursuant to section 22 of this act, the court shall order sealed all documents, papers and exhibits in the defendant'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 if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.***

2. If the court orders sealed the record of a defendant who is discharged from probation or whose case is dismissed pursuant to section 22 of this act, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 23.5. NRS 176A.010 is hereby amended to read as follows:

176A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 176A.020 to 176A.090, inclusive, ***and section 16.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 24. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnapping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, lewdness with a child pursuant to NRS 201.230, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a

habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time of sentencing, it is established that the person **[**~~:~~

~~(1) Was serving a term of probation or was on parole at the time the crime was committed, whether in this State or elsewhere, for a felony conviction;~~

~~(2) Had previously had the person's probation or parole revoked, whether in this State or elsewhere, for a felony conviction;~~

~~(3) Had previously been assigned to a program of treatment and rehabilitation pursuant to NRS 453.580 and failed to successfully complete that program; or~~

~~(4) Had~~**]** ***had*** previously been two times convicted, whether in this State or elsewhere, of a crime that under the laws of the situs of the crime or of this State would amount to a felony.

[~~➥~~**]** If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

3. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the Chief Parole and Probation Officer, if any, in determining whether to grant probation to a person.

4. If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of Intensive Supervision established pursuant to NRS 176A.440.

5. Except as otherwise provided in this subsection, if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer. The Chief Parole and Probation Officer shall submit the report of the presentence investigation

to the court not later than 45 days after receiving a request for a presentence investigation from the county clerk. If the report of the presentence investigation is not submitted by the Chief Parole and Probation Officer within 45 days, the court may grant probation without the report.

6. If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 25. NRS 176A.210 is hereby amended to read as follows:

176A.210 Upon entry of an order of probation by the court, a person:

1. Shall be deemed accepted for probation for all purposes; and

2. Shall submit to the Division for filing with the clerk of the court of competent jurisdiction a signed document stating that:

(a) The person will comply with the conditions which have been imposed by the court ***;*** ~~[and are stated in the document;]~~ and

(b) If the person fails to comply with the conditions imposed by the court and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

Sec. 26. NRS 176A.250 is hereby amended to read as follows:

176A.250 A court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to NRS 174.032 ***,*** ~~[or]~~ 176A.260 ~~[.]~~ ***or 176A.400 or section 19 of this act.*** The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 27. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in ~~[subsection 2,]~~ ***paragraph (a) of subsection 3 of section 19 of this act,*** if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may ~~[, without]~~ ***:***

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend ***or defer*** further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 ~~[.]~~ ***if the court determines that the defendant is eligible for participation in such a program; or***

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the court determines that the defendant is eligible for participation in such a program.

2. ***Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the defendant is diagnosed as having a mental illness or an intellectual disability:***

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. If the offense committed by the defendant ~~[involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign]~~ ***is a category A felony or a sexual offense*** as defined in NRS 179D.097 ***that is punishable as a category B felony,*** the defendant ~~[to the]~~ ***is not eligible for assignment to the*** program ***.*** ~~[unless the prosecuting attorney stipulates to the assignment.~~

~~— 3.]~~ ***5.*** Upon violation of a term or condition:

(a) The court may enter a judgment of conviction ***, if applicable,*** and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

~~[4.]~~ ***6.*** Upon

~~***[6. Except as otherwise provided in this subsection, upon]***~~ fulfillment of the terms and conditions, the court ~~[shall]~~ ***:***

(a) Shall discharge the defendant ~~***[from probation]***~~ and dismiss the proceedings ~~***[. If]***~~ ***or set aside the judgment of conviction, as applicable, unless the defendant*** ~~***[was]***~~ ***:***

(1) Has been previously convicted in this State or in any other jurisdiction of a felony ; or

(2) Has previously failed to complete a specialty court program ~~***[, the court may, upon the defendant's fulfillment of the terms and conditions,]***~~ ***; or***

(b) May discharge the defendant ~~***[from probation]***~~ ***and dismiss the proceedings*** ~~***[.]***~~ ***or set aside the judgment of conviction, as applicable, if the defendant:***

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 28. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. After a defendant is discharged from probation ***or a case is dismissed*** pursuant to NRS 176A.260, the court shall order sealed all documents, papers and exhibits in the defendant'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 if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of a defendant ***who is*** discharged ***from probation or whose case is dismissed*** pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 29. NRS 176A.280 is hereby amended to read as follows:

176A.280 1. A district court, justice court or municipal court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 174.032 ***,*** ~~[or]~~ 176A.290 ***or 176A.400 or section 19 of this act*** if the defendant is a veteran or member of the military and:

(a) ~~[Appears to suffer]~~ ***Is diagnosed after an in-person clinical assessment by a counselor who is licensed or certified to make such a diagnosis or a physician who is certified by the Board of Medical Examiners to make such a diagnosis, or by the results of a mental health or substance use screening, as suffering*** from:

(1) Mental illness, alcohol or drug ~~[abuse,]~~ ***use,*** posttraumatic stress disorder or a traumatic brain injury, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; or

(2) Military sexual trauma;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to NRS 176A.287 or any other provision of law.

2. The assignment of a defendant to a program pursuant to this section must:

(a) Include the terms and conditions for successful completion of the program; ***and***

(b) Provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program ***.*** ~~[; and~~

~~(c) Be for a period of not less than 12 months.]~~

3. As used in this section:

(a) "Military sexual trauma" means psychological trauma that is the result of sexual harassment or an act of sexual assault that occurred while the veteran or member of the military was serving on active duty, active duty for training or inactive duty training.

(b) "Sexual harassment" means repeated, unsolicited verbal or physical contact of a sexual nature that is threatening in character.

Sec. 29.5. NRS 176A.287 is hereby amended to read as follows:

176A.287 1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if ***:***

(a) The offense committed by the defendant ~~[:~~

~~(a) Has previously been assigned to such a program;]~~ ***was a category A felony or a sexual offense*** <u>as defined in NRS 179D.097</u> ***that is punishable as a category B felony;*** or

(b) ~~[Was]~~ ***The defendant was*** discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 30. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 176A.287 ~~[,]~~ ***and paragraph (a) of subsection 3 of section 19 of this act,*** if a defendant described in NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of ~~[, any]~~ ***:***

<u>(a) Any</u> offense ***<u>punishable as a felony or gross misdemeanor</u>*** for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court ~~[, justice court or municipal court, as applicable,]~~ may ~~[, without]~~ ***:***

~~***[(a)]***~~ *(1)* ***Without*** entering a judgment of conviction and with the consent of the defendant, suspend ***or defer*** further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 ~~[.]~~ ***if the court determines that the defendant is eligible for participation in such a program; or***

~~***[(b)]***~~ *(2)* ***Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 if the court determines that the defendant is eligible for participation in such a program*** ~~***[.]***~~ ***; or***

(b) Any offense punishable as a misdemeanor for which the suspension of sentence is not prohibited by statute, the justice court or municipal court, as applicable, may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. ~~[If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.~~

~~3.]~~ Upon violation of a term or condition:

(a) The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The district court, justice court or municipal court, as applicable, may enter a judgment of conviction ***, if applicable,*** and proceed as provided in the section pursuant to which the defendant was charged.

(c) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the district court may order the defendant to the custody of the

Department of Corrections if the offense is punishable by imprisonment in the state prison.

[4.] *3.* Except as otherwise provided in *[this subsection and]* subsection 5, *[4,]* upon fulfillment of the terms and conditions [, the] *:*

(a) The district court [, justice court or municipal court, as applicable, shall] *:*

(1) Shall discharge the defendant *[from probation]* and dismiss the proceedings [. *If]* *or set aside the judgment of conviction, as applicable, unless* *the defendant* *[was]* *:*

(I) Has been previously convicted in this State or in any other jurisdiction of a felony ; or

(II) Has previously failed to complete a specialty court program [, the court may, upon the defendant's fulfillment of the terms and conditions,] ; or

(2) May discharge the defendant [from probation] and dismiss the proceedings [.] or set aside the judgment of conviction, as applicable, if the defendant:

(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(II) Has previously failed to complete a specialty court program; or

(b) The justice court or municipal court, as applicable, shall discharge the defendant and dismiss the proceedings.

4. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. *[4.]* If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury

or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 31. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation ***or a case is dismissed*** pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant'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 if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in [subsection 5 of] NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant'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 be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant ***who is*** discharged ***from probation, whose case is dismissed*** or whose charges were conditionally dismissed pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

Sec. 32. NRS 176A.400 is hereby amended to read as follows:

176A.400 1. In issuing an order granting probation, ***a suspended sentence or a deferred sentence pursuant to section 19 of this act,*** the court may fix the terms and conditions thereof, including, without limitation:

(a) A requirement for restitution;

(b) An order that the probationer dispose of all the weapons the probationer possesses; or

(c) Any reasonable conditions to protect the health, safety or welfare of the community or to ensure that the probationer will appear at all times and places ordered by the court, including, without limitation:

(1) Requiring the probationer to remain in this State or a certain county within this State;

(2) Prohibiting the probationer from contacting or attempting to contact a specific person ***whom the probationer is prohibited from contacting by court order*** or from causing or attempting to cause another person to contact that person on the probationer's behalf;

(3) Prohibiting the probationer from entering a certain geographic area; or

(4) Prohibiting the probationer from engaging in specific conduct that [may be] ***is*** harmful to the probationer's own health, safety or welfare, or the health, safety or welfare of another person.

2. In issuing an order granting probation ***, a suspended sentence or a deferred sentence pursuant to section 19 of this act*** to a person who is found guilty of a category C, D or E felony, the court may require the person as a condition of probation to participate in and complete to the satisfaction of the court any alternative program, treatment or activity deemed appropriate by the court [.] ***, including, without limitation, any specialty court program.***

3. The court shall not suspend the execution of a sentence of imprisonment after the defendant has begun to serve it.

4. In placing any defendant on probation or in granting a defendant a suspended ***or deferred*** sentence, the court shall direct that the defendant be placed under the supervision of the Chief Parole and Probation Officer.

Sec. 33. NRS 176A.420 is hereby amended to read as follows:

176A.420 1. Upon the granting of probation to a person convicted of a felony or gross misdemeanor, the court may, when the circumstances warrant, require as a condition of probation that the probationer submit to periodic tests to determine whether the probationer is using any controlled substance. Any such use or any failure or refusal to submit to a test is a [ground for revocation of probation.] ***violation for which a graduated sanction may be imposed in accordance with the system adopted by the Division pursuant to section 18 of this act.***

2. Any expense incurred as a result of a test must be paid from appropriations to the Division on claims as other claims against the State are paid.

Sec. 34. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. [The] ***Except as otherwise provided in subsection 2, the*** period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) [Three years] ***Twelve months*** for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260, 176A.290 or 453.3363 [;] or ***section 22 of this act;***

(b) [Five years] ***Eighteen months*** for a ***category E*** felony [.] ***;***

(c) Twenty-four months for a category C or D felony; or

(d) Thirty-six months for a category B felony.

2. ***The court may extend the period of probation or suspension of sentence ordered pursuant to subsection 1 for a period of not more than 12 months if such an extension is necessary for the defendant to complete his or her participation in a specialty court program.***

3. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation. If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

~~[3.]~~ ***4.*** Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

~~[4.]~~ ***5.*** A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

~~[5.]~~ ***6.*** A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor must be allowed for the period of the probation a deduction of:

(a) Ten days from that period for each month the person serves and is current with any fee to defray the costs of his or her supervision charged by the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 213.1076 and with any payment of restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430. A person shall be deemed to be current with any such fee and payment of restitution for any given month if, during that month, the person makes at least the minimum monthly payment established by the court or, if the court does not establish a minimum monthly payment, by the Division.

(b) Except as otherwise provided in subsection ~~[7,]~~ ***8,*** 10 days from that period for each month the person serves and is actively involved in

employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.

~~[6.]~~ ***7.*** A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection ~~[5]~~ ***6*** regardless of whether the person has satisfied the requirements of the other paragraph and must be allowed a deduction pursuant to paragraphs (a) and (b) of subsection ~~[5]~~ ***6*** if the person has satisfied the requirements of both paragraphs of that subsection.

~~[7.]~~ ***8.*** A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program. Such a deduction must not exceed the length of time remaining on the person's period of probation.

~~[8. As used in this section, "specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from mental illnesses or abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.]~~

Sec. 35. NRS 176A.630 is hereby amended to read as follows:

176A.630 ***1.*** If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 ***and system of graduated sanctions adopted pursuant to section 18 of this act, as applicable,*** and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. ~~[The]~~ ***If the court finds that the probationer committed a violation of a condition of probation by committing a new felony, gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485 or violation of NRS 484C.110 or 484C.120 or by absconding, the*** court may:

~~[1.]~~ ***(a)*** Continue or revoke the probation or suspension of sentence;

~~[2.]~~ ***(b)*** Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

~~[3.]~~ ***(c)*** Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;

~~[4.]~~ ***(d)*** Cause the sentence imposed to be executed; or

~~[5.]~~ ***(e)*** Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall

not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this ~~[subsection.]~~ ***paragraph.*** The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this ~~[subsection]~~ ***paragraph*** is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:

(a) Continue the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:

(1) Thirty days for the first temporary revocation;

(2) Sixty days for the second temporary revocation; or

(3) Ninety days for the third temporary revocation; or

(d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If a hearing is not held within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

(a) Continue probation and modify the terms and conditions of probation; or

(b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

(a) Consuming any alcoholic beverage.

(b) Testing positive on a drug or alcohol test.

(c) Failing to abide by the requirements of a mental health or substance use treatment program.

(d) Failing to seek and maintain employment.

(e) Failing to pay any required fines or fees.

(f) Failing to report any changes in residence.

5. As used in this section:

(a) "Absconding" means failing to report or otherwise communicate with the Division for a continuous period of 60 days or more.

(b) "Technical violation" means any alleged violation of the conditions of probation that is not the commission of a new felony, gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485 or violation of NRS 484C.110 or 484C.120 and does not constitute absconding. The term does not include termination from a specialty court program.

Sec. 36. NRS 178.461 is hereby amended to read as follows:

178.461 1. If the proceedings against a defendant who is charged with any category A felony or a category B felony listed in subsection 6 are dismissed pursuant to subsection 5 of NRS 178.425, the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator pursuant to subsection 3. Except as otherwise provided in subsection 2, the court shall hold the hearing within 10 judicial days after the motion is filed with the court.

2. If the prosecuting attorney files a motion pursuant to subsection 1, the prosecuting attorney shall, not later than the date on which the prosecuting attorney files the motion, request from the Division a comprehensive risk assessment which indicates whether the person requires the level of security provided by a forensic facility. The Division shall provide the requested comprehensive risk assessment to the court, the prosecuting attorney and counsel for the person not later than three judicial days before the hearing. If the person was charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection 6 and the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility, the court shall dismiss the motion.

3. At a hearing held pursuant to subsection 1, if the court finds by clear and convincing evidence that the person has a mental disorder, that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility, the court may order:

(a) The sheriff to take the person into protective custody and transport the person to a forensic facility; and

(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection 4 or 7 has expired.

4. Except as otherwise provided in subsection 7, the length of commitment of a person pursuant to subsection 3 must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.

5. At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.

6. The provisions of subsection 1 apply to any of the following category B felonies:

(a) Voluntary manslaughter pursuant to NRS 200.050;

(b) Mayhem pursuant to NRS 200.280;

(c) Kidnapping in the second degree pursuant to NRS 200.330;

(d) Assault with a deadly weapon pursuant to NRS 200.471;

(e) Battery with a deadly weapon pursuant to NRS 200.481;

(f) Aggravated stalking pursuant to NRS 200.575;

(g) First degree arson pursuant to NRS 205.010;

(h) [Burglary] ***Residential burglary*** with a deadly weapon pursuant to NRS 205.060;

(i) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(j) Any category B felony involving the use of a firearm; and

(k) Any attempt to commit a category A felony.

7. If a person is within 6 months of the maximum length of commitment set forth in this subsection or subsection 4, as applicable, and:

(a) Was charged with murder or sexual assault; and

(b) Was committed to the custody of the Administrator pursuant to this subsection or subsection 3,

➥ the Administrator may file a motion to request an extension of the length of commitment for not more than 5 additional years.

8. The court may grant a motion for an extension of the length of commitment pursuant to subsection 7 if, at a hearing conducted on the motion, the court finds by clear and convincing evidence that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility.

9. At a hearing conducted pursuant to subsection 8, a person who is committed has the right to be represented by counsel. If the person does not have counsel, the court shall appoint an attorney to represent the person.

Sec. 37. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176A.265, 176A.295, 179.247, 179.259, 201.354, 453.3365 and [458.330,] ***sections 19 and 23 of this act,*** a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence pursuant to NRS 200.408 or ***residential*** burglary pursuant to NRS 205.060 after 10 years from the date of

release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365 **,** ~~[or 458.330,]~~ include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who

prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) ***Invasion of the home with a deadly weapon pursuant to NRS 205.067;***

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

~~[(d)]~~ ***(e)*** A violation of NRS 484C.430;

~~[(e)]~~ ***(f)*** A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

~~[(f)]~~ ***(g)*** A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

~~[(g)]~~ ***(h)*** A violation of NRS 488.420 or 488.425.

7. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

8. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a

child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 38. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365 ***,*** ~~[or 458.330,]~~ include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting attorney stipulates to the sealing of the records after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

7. If the court finds that there has been an acquittal, that the prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal, declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 39. 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,]~~ ***section 19 or 23 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. 40. 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:]~~ ***section 19 or 23 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. 41. 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]~~ ***section 19 or 23 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]~~ ***proceeding*** 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]~~ ***section 19 or 23 of this act*** 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]~~ ***section 19 or 23 of this act*** for a conviction of another offense.

Sec. 42. NRS 4.075 is hereby amended to read as follows:

4.075 1. In a county whose population is less than 100,000, the board of county commissioners may, in addition to any other fee required by law, impose by ordinance a filing fee of not more than $10 to be paid on the commencement of any action or proceeding in the justice court for which a fee is required and on the filing of any answer or appearance in any such action or proceeding for which a fee is required.

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month for credit to an account for programs for the prevention and treatment of the ~~[abuse]~~ ***use*** of alcohol and drugs in the county general fund. The money in that account must be used only to support programs for the prevention or treatment of the ~~[abuse]~~ ***use*** of alcohol or drugs which may include, without limitation, any program ~~[of]~~ ***for the*** treatment ~~[for the abuse]~~ of ***drug or*** alcohol ~~[or drugs]~~ ***use*** established in a judicial district pursuant to ~~[NRS 453.580.]~~ ***section 20 of this act.***

Sec. 43. NRS 4.3713 is hereby amended to read as follows:

4.3713 1. A justice court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to another justice court or a municipal court if:

(a) The case involves criminal conduct that occurred outside the limits of the county or township where the court is located and the defendant has appeared before a magistrate pursuant to NRS 171.178;

(b) Such a transfer is necessary to promote access to justice for the defendant and the justice court has noted its findings concerning that issue in the record; or

(c) The defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 ~~[, 453.580]~~ or ~~[458.300,]~~ ***section 20 of this act,*** or to access other services located elsewhere in this State.

2. A justice court may not issue an order for the transfer of a case pursuant to paragraph (b) or (c) of subsection 1 until a plea agreement has been reached or the final disposition of the case, whichever occurs first.

3. An order issued by a justice court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the justice court or municipal court to which the case was transferred. If a justice court or municipal court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the justice court which sought the transfer.

Sec. 44. NRS 4.3715 is hereby amended to read as follows:

4.3715 1. A justice court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to a district court in this State if the defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 ~~[, 453.580]~~ or ~~[458.300,]~~ ***section 20 of this act,*** or to access other services located elsewhere in this State.

2. A justice court may not issue an order for the transfer of a case pursuant to this section before a plea agreement has been reached or the disposition of the case, whichever occurs first.

3. An order issued by a justice court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the district court to which the case was transferred. If a district court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the justice court which sought the transfer.

Sec. 45. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 2 years, the sentence ***or a portion thereof*** of a person convicted of a misdemeanor. If the circumstances warrant, the justice of the peace may order as a condition of suspension ***, without limitation,*** that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct ***, or comply with any other condition,*** deemed appropriate by the justice of the peace;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person

has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the ~~[abuse]~~ ***use*** of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(c) The programs set forth in paragraphs (a) and (b),

➥ and that the person comply with any other condition of suspension ordered by the justice of the peace.

3. Except as otherwise provided in this subsection, if a person is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the justice of the peace may suspend the sentence for not more than 2 years upon the condition that the person:

(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and

(b) Comply with any other condition of suspension ordered by the justice of the peace.

➥ The justice of the peace may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. The justice of the peace may order reports from a person whose sentence is suspended at such times as the justice of the peace deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

5. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 46. NRS 4.374 is hereby amended to read as follows:

4.374 1. As soon as possible after a defendant is arrested or cited, the justice of the peace shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall:

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military; and

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

3. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the justice court may, if the justice court has not established a program pursuant to NRS 176A.280 and, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or [~~453.580.~~] ***section 20 of this act.***

4. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 47. NRS 5.0503 is hereby amended to read as follows:

5.0503 1. A municipal court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to a justice court or another municipal court if:

(a) The case involves criminal conduct that occurred outside the limits of the city where the court is located and the defendant has appeared before a magistrate pursuant to NRS 171.178;

(b) Such a transfer is necessary to promote access to justice for the defendant and the municipal court has noted its findings concerning that issue in the record; or

(c) The defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 [~~, 453.580~~] or [~~458.300,~~] ***section 20 of this act,*** or to access other services located elsewhere in this State.

2. A municipal court may not issue an order for the transfer of a case pursuant to paragraph (b) or (c) of subsection 1 until a plea agreement has been reached or the final disposition of the case, whichever occurs first.

3. An order issued by a municipal court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the justice court or municipal court to which the case was transferred. If a justice court or municipal court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the municipal court which sought the transfer.

Sec. 48. NRS 5.0505 is hereby amended to read as follows:

5.0505 1. A municipal court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to a district court in this State if the defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 [~~, 453.580~~] or [~~458.300,~~] ***section 20 of this act,*** or to access other services located elsewhere in this State.

2. A municipal court may not issue an order transferring a case pursuant to this section before a plea agreement has been reached or the disposition of the case, whichever occurs first.

3. An order issued by a municipal court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the district court to which the case was transferred. If a district court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the municipal court which sought the transfer.

Sec. 49. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 2 years, the sentence ***or a portion thereof*** of a person convicted of a misdemeanor. If the circumstances warrant, the municipal judge may order as a condition of suspension ***, without limitation,*** that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct ***, or comply with any other condition,*** deemed appropriate by the municipal judge;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the ~~[abuse]~~ ***use*** of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(c) The programs set forth in paragraphs (a) and (b),

➥ and that the person comply with any other condition of suspension ordered by the municipal judge.

3. Except as otherwise provided in this subsection, if a person is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the municipal judge

may suspend the sentence for not more than 2 years upon the condition that the person:

(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and

(b) Comply with any other condition of suspension ordered by the municipal judge.

➥ The municipal judge may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. The municipal judge may order reports from a person whose sentence is suspended at such times as the municipal judge deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

5. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 50. NRS 5.057 is hereby amended to read as follows:

5.057 1. As soon as possible after a defendant is arrested or cited, the municipal judge shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280. Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall:

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military; and

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the municipal court may, if the municipal court has not established a program pursuant to NRS 176A.280 and, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or ~~[453.580.]~~ ***section 20 of this act.***

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 51. NRS 19.03135 is hereby amended to read as follows:

19.03135 1. In a county whose population is less than 100,000, the board of county commissioners may, in addition to any other fee required by law,

impose by ordinance a filing fee of not more than $10 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, except as otherwise required pursuant to NRS 19.034.

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the clerk of the court shall account for and pay over to the county treasurer any such fees collected by the clerk of the court during the preceding month for credit to an account for programs for the prevention and treatment of the ~~[abuse]~~ ***use*** of alcohol and drugs in the county general fund. The money in that account must be used only to support programs for the prevention or treatment of the ~~[abuse]~~ ***use*** of alcohol or drugs which may include, without limitation, any program ~~[of]~~ ***for*** treatment ~~[for the abuse]~~ of ***drug or*** alcohol ~~[or drugs]~~ ***use*** established in a judicial district pursuant to ~~[NRS 453.580.]~~ ***section 20 of this act.***

Sec. 51.5. NRS 193.130 is hereby amended to read as follows:

193.130 1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than $10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than $5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as

otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100 [,] ***or paragraph (a) of subsection 2 of NRS 453.336,*** upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than $5,000, unless a greater penalty is authorized or required by statute.

Sec. 52. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony pursuant to paragraph (c) of subsection 1 or subsection 2; or

(b) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a),

➥ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000, but not more than $5,000.

4. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, ~~[but not more than 12 months,]~~ at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for ***not less than*** 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

5. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a) or (b) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

6. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the

fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

7. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the [abuse] ***use*** of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

8. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

9. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

10. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

11. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B 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 6 years, and may be further punished by a fine of not more than $5,000.

12. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 53. (Deleted by amendment.)

Sec. 54. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is:

(1) Twenty-one years of age or older; or

(2) At least 18 years of age but less than 21 years of age if the person:

(I) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or

(II) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has ***:*** ~~[been:]~~

(1) ~~[Convicted]~~ ***Been convicted*** of violating the provisions of NRS 484C.110; or

(2) ~~[Committed for]~~ ***Participated in a program of*** treatment pursuant to ~~[NRS 458.290]~~ ***sections 20*** to ~~[458.350,]~~ ***23,*** inclusive ~~[.]~~ ***, of this act.***

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

(k) Has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions and is less than 21 years of age.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the

applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) If the applicant is a person described in subparagraph (2) of paragraph (a) of subsection 3, proof that the applicant:

(1) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, as evidenced by his or her current military identification card; or

(2) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions, as evidenced by his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," or other document of honorable separation issued by the United States Department of Defense;

(g) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

(h) A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 55. NRS 205.060 is hereby amended to read as follows:

205.060 1. ~~[Except as otherwise provided in subsection 5, a]~~ ***A*** person who, by day or night, ***unlawfully*** enters ***or unlawfully remains in*** any ~~[house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car,]~~ ***:***

(a) Dwelling with the intent to commit grand or petit larceny, assault or battery on any person or any felony ~~[, or to obtain money or property by false pretenses,]~~ is guilty of ***residential*** burglary.

(b) Business structure with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a business.

(c) Motor vehicle, or any part thereof, with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a motor vehicle.

(d) Structure other than a dwelling, business structure or motor vehicle with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a structure.

2. Except as otherwise provided in this section, a person convicted of ~~[burglary]~~ ***:***

(a) Burglary of a motor vehicle is guilty of a category E felony and shall be punished as provided in NRS 193.130.

(b) Burglary of a structure is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(c) Burglary of a business is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(d) Residential burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years ***.*** ~~[, and may be further punished by a fine of not more than $10,000. A]~~

3. If mitigating circumstances exist, a person who is convicted of ***residential*** burglary ~~[and who]~~ ***may be released on probation and granted a suspension of sentence if the person*** has ***not*** previously been convicted of ***residential*** burglary or another crime involving the ~~[forcible]~~ ***unlawful*** entry or invasion of a dwelling ***.*** ~~[must not be released on probation or granted a suspension of sentence.~~

~~3.]~~ ***4.*** Whenever ~~[a]~~ ***any*** burglary ***pursuant to this section*** is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

~~[4.]~~ ***5.*** A person convicted of ***any*** burglary ***pursuant to this section*** who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the ***dwelling,*** structure ***or motor vehicle*** or upon leaving the ***dwelling,*** structure ~~[,]~~ ***or motor vehicle,*** is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

~~[5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted:~~

~~(a) Two or more times for committing petit larceny within the immediately preceding 7 years; or~~

~~(b) Of a felony.]~~

6. As used in this section:

(a) "Business structure" means any structure or building, the primary purpose of which is to carry on any lawful effort for a business, including, without limitation, any business with an educational, industrial, benevolent, social or political purpose, regardless of whether the business is operated for profit.

(b) "Dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car, including, without limitation, any part thereof that is divided into a separately occupied unit:

(1) In which any person lives; or

(2) Which is customarily used by a person for overnight accommodations,

➥ regardless of whether the person is inside at the time of the offense.

(c) "Motor vehicle" means any motorized craft or device designed for the transportation of a person or property across land or water or through the air which does not qualify as a dwelling or business structure pursuant to this section.

(d) "Unlawfully enters or unlawfully remains" means for a person to enter or remain in a dwelling, structure or motor vehicle or any part thereof, including, without limitation, under false pretenses, when the person is not licensed or privileged to do so, without regard to the purpose or intent of the person. For purposes of this definition, a license or privilege to enter or remain in a part of a dwelling, structure or motor vehicle that is open to the public is not a license or privilege to enter or remain in a part of the dwelling, structure or motor vehicle that is not open to the public.

Sec. 56. NRS 205.067 is hereby amended to read as follows:

205.067 1. A person who, by day or night, forcibly enters ~~[an inhabited]~~ ***a*** dwelling without permission of the owner, resident or lawful occupant, whether or not a person is present at the time of the entry, is guilty of invasion of the home.

2. A person convicted of invasion of the home is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000. A person who is convicted of invasion of the home and who has previously been convicted of ***any*** burglary ***pursuant to NRS 205.060*** or invasion of the home must not be released on probation or granted a suspension of sentence.

3. Whenever an invasion of the home is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car traveled during the time the invasion was committed.

4. A person convicted of invasion of the home who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

5. As used in this section:

(a) ***"Dwelling" has the meaning ascribed to it in NRS 205.060.***

(b) "Forcibly enters" means the entry of an inhabited dwelling involving any act of physical force resulting in damage to the structure.

~~[(b) "Inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which the owner or other lawful occupant resides.]~~

Sec. 57. (Deleted by amendment.)

Sec. 58. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft ~~[is]~~ ***:***

(a) Is less than ~~[$650,]~~ ***$1,200,*** the person who committed the theft is guilty of a misdemeanor.

~~[3. If the value of the property or services involved in the theft is $650]~~

(b) Is $1,200 or more but less than $5,000, the person who committed the theft is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(c) Is $5,000 or more but less than ~~[$3,500,]~~ ***$25,000,*** the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[4. If the value of the property or services involved in the theft is $3,500]~~

(d) Is $25,000 or more ~~[,]~~ ***but less than $100,000,*** the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

~~[5.]~~ ***(e) Is $100,000 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.***

3. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Sec. 59. NRS 205.130 is hereby amended to read as follows:

205.130 1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:

(a) Money;

(b) Delivery of other valuable property;

(c) Services;

(d) The use of property; or

(e) Credit extended by any licensed gaming establishment,

➥ drawn upon any real or fictitious person, bank, firm, partnership, corporation or depositary, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of ~~[$650]~~ ***$1,200*** or more, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. A person who was previously convicted three times of a misdemeanor under the provisions of this section, or of an offense of a similar nature, in this State or any other state, or in a federal jurisdiction, who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A person who willfully issues any check or draft for the payment of wages in excess of ~~[$650,]~~ ***$1,200,*** when the person knows he or she has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a gross misdemeanor.

4. For the purposes of this section, “credit” means an arrangement or understanding with a person, firm, corporation, bank or depositary for the payment of a check or other instrument.

Sec. 60. NRS 205.134 is hereby amended to read as follows:

205.134 1. A notice in boldface type which is clearly legible and is in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:

> The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of [$650] ***$1,200*** or more or by a person who previously has been convicted three times of this or a similar offense is punishable as a category D felony as provided in NRS 193.130.

2. Failure of the owner, operator or manager of a bank or other place of business to post the sign required by this section is not a defense to charge of a violation of NRS 205.130.

Sec. 60.3. NRS 205.2175 is hereby amended to read as follows:

205.2175 As used in NRS 205.2175 to [205.2707,] ***205.2705,*** inclusive, unless the context otherwise requires, the words and terms defined in NRS 205.218 to 205.2195, inclusive, have the meanings ascribed to them in those sections.

Sec. 60.7. NRS 205.2195 is hereby amended to read as follows:

205.2195 "Property" means:

1. Personal goods, personal property and motor vehicles;
2. Money, negotiable instruments and other items listed in NRS 205.260;
3. Livestock, domesticated animals and domesticated birds; and
4. Any other item of value, whether or not the item is listed in NRS 205.2175 to [205.2707,] ***205.2705,*** inclusive.

Sec. 61. NRS 205.220 is hereby amended to read as follows:

205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:

(a) Personal goods or property, with a value of [$650] ***$1,200*** or more, owned by another person;

(b) Bedding, furniture or other property, with a value of [$650] ***$1,200*** or more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(c) Real property, with a value of [$650] ***$1,200*** or more, that the person has converted into personal property by severing it from real property owned by another person.

2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled.

3. Intentionally steals, takes and carries away, leads away, drives away or entices away:

(a) One or more head of livestock owned by another person; or

(b) One or more domesticated animals or domesticated birds, with an aggregate value of [$650] ***$1,200*** or more, owned by another person.

4. With the intent to defraud, steal, appropriate or prevent identification:

(a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;

(b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;

(c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or

(d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of [$650] ***$1,200*** or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

Sec. 62. NRS 205.222 is hereby amended to read as follows:

205.222 1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of NRS 205.220 shall be punished pursuant to the provisions of this section.

2. If the value of the property involved in the grand larceny [is] ***:***

(a) Is less than $5,000, the person who committed the grand larceny is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Is $5,000 or more but less than [$3,500,] ***$25,000,*** the person who committed the grand larceny is guilty of a category C felony and shall be punished as provided in NRS 193.130.

[3. If the value of the property involved in the grand larceny is $3,500]

(c) Is $25,000 or more [,] ***but less than $100,000,*** the person who committed the grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

[4.] ***(d) Is $100,000 or more, the person who committed the grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.***

3. In addition to any other penalty, the court shall order the person who committed the grand larceny to pay restitution.

[5.] ***4.*** If the grand larceny involved a sale in violation of subsection 3 or 4 of NRS 205.220, all proceeds from the sale are subject to forfeiture.

Sec. 63. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. [Except as otherwise provided in subsection 3, a] ***A*** person who commits grand larceny of a motor vehicle is guilty of [a] ***:***

(a) A category C felony and shall be punished as provided in NRS 193.130.

[3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is $3,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of]

(b) For a second or subsequent offense within 5 years, a category B 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 [10] ***6*** years, and by a fine of not more than [$10,000.

— 4.] ***$5,000.***

3. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 64. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228, 475.105 and 501.3765, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than [$650,] ***$1,200,*** owned by another person;

(2) Bedding, furniture or other property, with a value of less than [$650,] ***$1,200,*** which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than [$650,] ***$1,200,*** that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than [$650,] ***$1,200,*** owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor.

3. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 64.5. NRS 205.251 is hereby amended to read as follows:

205.251 For the purposes of NRS 205.2175 to [205.2707,] ***205.2705,*** inclusive:

1. The value of property involved in a larceny offense shall be deemed to be the highest value attributable to the property by any reasonable standard.

2. The value of property involved in larceny offenses committed by one or more persons pursuant to a scheme or continuing course of conduct may be aggregated in determining the grade of the larceny offenses.

Sec. 65. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of less than [$650] ***$1,200*** within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of [$650] ***$1,200*** or more within a period of 90 days is guilty of:

(a) ~~[If the value of the scrap metal or utility property taken is less than $3,500, a category C felony and shall be punished as provided in NRS 193.130; or~~

~~(b)]~~ If the value of the scrap metal or utility property taken is ~~[$3,500]~~ ***$1,200*** or more ~~[,]~~ ***but less than $5,000, a category D felony and shall be punished as provided in NRS 193.130.***

(b) If the value of the scrap metal or utility property taken is $5,000 or more but less than $25,000, a category C felony and shall be punished as provided in NRS 193.130.

(c) If the value of the scrap metal or utility property taken is $25,000 or more but less than $100,000, a category B 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 10 years, and by a fine of not more than $10,000.

(d) If the value of the scrap metal or utility property taken is $100,000 or more, a category B 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, and by a fine of not more than $15,000.

3. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 or 2 to pay restitution and:

(a) For a first offense, to perform 100 hours of community service.

(b) For a second offense, to perform 200 hours of community service.

(c) For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.

4. In determining the value of the scrap metal or utility property taken, the cost of repairing and, if necessary, replacing any property damaged by the theft of the scrap metal or utility property must be added to the value of the property.

5. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" has the meaning ascribed to it in NRS 202.582.

Sec. 66. NRS 205.270 is hereby amended to read as follows:

205.270 1. A person who, under circumstances not amounting to robbery, with the intent to steal or appropriate to his or her own use, takes property from the person of another, without the other person's consent, is guilty of ~~[:~~

~~(a) If the value of the property taken is less than $3,500,]~~ a category C felony and shall be punished as provided in NRS 193.130 . ~~[; or~~

~~(b) If the value of the property taken is $3,500 or more, a category B 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 10 years, and by a fine of not more than $10,000.]~~

2. In addition to any other penalty, the court shall order the person to pay restitution.

3. The court shall not grant probation to or suspend the sentence of any person convicted of violating subsection 1 if the person from whom the property was taken has any infirmity caused by age or other physical condition.

Sec. 67. (Deleted by amendment.)

Sec. 68. NRS 205.273 is hereby amended to read as follows:

205.273 1. A person commits an offense involving a stolen vehicle if the person:

(a) With the intent to procure or pass title to a motor vehicle which the person knows or has reason to believe has been stolen, receives or transfers possession of the vehicle from or to another person; or

(b) Has in his or her possession a motor vehicle which the person knows or has reason to believe has been stolen.

2. The provisions of subsection 1 do not apply to an officer of the law if the officer is engaged in the performance of his or her duty as an officer at the time of the receipt, transfer or possession of the stolen vehicle.

3. ~~[Except as otherwise provided in subsection 4, a]~~ ***A*** person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. ~~[If the prosecuting attorney proves that the value of the vehicle involved is $3,500 or more, the person who violated the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.~~

~~5.]~~ In addition to any other penalty, the court shall order the person to pay restitution.

~~[6. For the purposes of this section, the value of a vehicle shall be deemed to be the highest value attributable to the vehicle by any reasonable standard.]~~

Sec. 69. NRS 205.275 is hereby amended to read as follows:

205.275 1. Except as otherwise provided in NRS 501.3765, a person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than ~~[$650,]~~ ***$1,200,*** is guilty of a misdemeanor;

(b) ***If the value of the property is $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130;***

(c) If the value of the property is ~~[$650]~~ ***$5,000*** or more but less than ~~[$3,500,]~~ ***$25,000,*** is guilty of a category C felony and shall be punished as provided in NRS 193.130; ~~[or~~

~~(c)~~ ***(d)*** If the value of the property is ~~[$3,500]~~ ***$25,000*** or more ***but less than $100,000*** or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000 ~~[.]~~ ***; or***

(e) If the value of the property is $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 70. NRS 205.365 is hereby amended to read as follows:

205.365 A person, after once selling, bartering or disposing of any tract of land, town lot, or executing any bond or agreement for the sale of any land or town lot, who again, knowingly and fraudulently, sells, barters or disposes of the same tract of land or lot, or any part thereof, or knowingly and fraudulently executes any bond or agreement to sell, barter or dispose of the same land or lot, or any part thereof, to any other person, for a valuable consideration, shall be punished:

1. Where the value of the property involved is ~~[$650]~~ ***$1,200*** or more, for a category ~~[C]~~ ***D*** felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value of the property is less than ~~[$650,]~~ ***$1,200,*** for a misdemeanor.

Sec. 71. NRS 205.370 is hereby amended to read as follows:

205.370 A person who, by false representations of his or her own wealth, or mercantile correspondence and connections, obtains a credit thereby and defrauds any person of money, goods, chattels or any valuable thing, or if a person causes or procures another to report falsely of his or her wealth or mercantile character, and by thus imposing upon any person obtains credit and thereby fraudulently gets into the possession of goods, wares or merchandise,

or other valuable thing, is a swindler, and must be sentenced to return the property fraudulently obtained, if it can be done, or to pay restitution and shall be punished:

1. Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is [~~$650~~] ***$1,200*** or more, for a category [~~C~~] ***D*** felony as provided in NRS 193.130.

2. Otherwise, for a misdemeanor.

Sec. 72. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➥ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than [~~$650.~~] ***$1,200.***

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 73. NRS 205.380 is hereby amended to read as follows:

205.380 1. A person who knowingly and designedly by any false pretense obtains from any other person any chose in action, money, goods, wares, chattels, effects or other valuable thing, including rent or the labor of another person not his or her employee, with the intent to cheat or defraud the other person, is a cheat, and, unless otherwise prescribed by law, shall be punished:

(a) ***If the value of the thing or labor fraudulently obtained was less than $1,200, for a misdemeanor, and must be sentenced to restore the property fraudulently obtained if it can be done, or tender payment for rent or labor.***

(b) If the value of the thing or labor fraudulently obtained was $1,200 or more but less than $5,000, for a category D felony as provided in NRS 193.130.

(c) If the value of the thing or labor fraudulently obtained was $5,000 or more but less than $25,000, for a category C felony as provided in NRS 193.130.

(d) If the value of the thing or labor fraudulently obtained was [~~$650~~] ***$25,000*** or more [~~,~~] ***but less than $100,000,*** for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than [~~6~~] ***10*** years, [~~or~~] ***and*** by a fine of not more than $10,000 ***.*** [~~, or by both fine and imprisonment.~~]

(e) If the value of the thing or labor fraudulently obtained was $100,000 or more, for a category B felony 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, and by a fine of not more than $15,000.

2. In addition to any other penalty [~~,~~] ***set forth in paragraph (b), (c), (d) or (e) of subsection 1,*** the court shall order the person to pay restitution.

[~~(b) If the value of the thing or labor fraudulently obtained was less than $650, for a misdemeanor, and must be sentenced to restore the property fraudulently obtained, if it can be done, or tender payment for rent or labor.~~

~~2.~~] ***3.*** For the purposes of this section, it is prima facie evidence of an intent to defraud if the drawer of a check or other instrument given in payment for:

(a) Property which can be returned in the same condition in which it was originally received;

(b) Rent; or

(c) Labor performed in a workmanlike manner whenever a written estimate was furnished before the labor was performed and the actual cost of the labor does not exceed the estimate,

➥ stops payment on that instrument and fails to return or offer to return the property in that condition, or to specify in what way the labor was deficient within 5 days after receiving notice from the payee that the instrument has not been paid by the drawee.

[~~3.~~] ***4.*** The notice must be sent to the drawer by certified mail, return receipt requested, at the address shown on the instrument. The notice must include a statement of the penalties set forth in this section. Return of the notice because of nondelivery to the drawer raises a rebuttable presumption of the intent to defraud.

[~~4.~~] ***5.*** A notice in boldface type clearly legible and in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted or labor is performed for the public and must be furnished in written form by a landlord to a tenant:

The stopping of payment on a check or other instrument given in payment for property which can be returned in the same condition in which it was originally received, rent or labor which was completed in a workmanlike manner, and the failure to return or offer to return the property in that condition or to specify in what way the labor was deficient within 5 days after receiving notice of nonpayment is punishable:

1. ***If the value of the property, rent or labor fraudulently obtained was less than $1,200, as a misdemeanor by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment.***

2. If the value of the property, rent or labor fraudulently obtained was $1,200 or more but less than $5,000, as a category D felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. If the value of the property, rent or labor fraudulently obtained was $5,000 or more but less than $25,000, as a category C felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

4. If the value of the property, rent or labor fraudulently obtained was ~~[$650]~~ ***$25,000*** or more ~~[,]~~ ***but less than $100,000,*** as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[6]~~ ***10*** years, ~~[or]~~ ***and*** by a fine of not more than $10,000 ***.*** ~~[, or by both fine and imprisonment.~~

~~2.]~~ ***5.*** If the value of the property, rent or labor ~~[so]~~ fraudulently obtained was ~~[less than $650, as a misdemeanor]~~ ***$100,000 or more, as a category B felony*** by imprisonment in the ~~[county jail]~~ ***state prison*** for ***a minimum term of*** not ~~[more]~~ ***less*** than ~~[6 months, or]~~ ***1 year and a maximum term of not more than 20 years, and*** by a fine of not more than ~~[$1,000, or by both fine and imprisonment.]~~ ***$15,000.***

Sec. 74. NRS 205.415 is hereby amended to read as follows:

205.415 A person who sells one or more tickets to any ball, benefit or entertainment, or asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being authorized thereto by the person, association or order for whose benefit or pretended benefit it is done, shall be punished:

1. Where the amount received from such sales, subscriptions or promises totals ~~[$650]~~ ***$1,200*** or more, for a category ~~[C]~~ ***D*** felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Otherwise, for a misdemeanor.

Sec. 75. NRS 205.445 is hereby amended to read as follows:

205.445 1. It is unlawful for a person:

(a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with the intent to defraud the proprietor or manager thereof;

(b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or

(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his or her baggage therefrom, without paying for the food or accommodations.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is [~~$650~~] ***$1,200*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Otherwise, for a misdemeanor.

3. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person gave in payment for the food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that the person absconded without paying or offering to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person surreptitiously removed or attempted to remove his or her baggage, is prima facie evidence of the fraudulent intent mentioned in this section.

4. This section does not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days.

Sec. 76. (Deleted by amendment.)

Sec. 77. (Deleted by amendment.)

Sec. 78. (Deleted by amendment.)

Sec. 79. NRS 205.520 is hereby amended to read as follows:

205.520 A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that the goods covered by the

document of title have not been received by him or her, or are not under his or her control at the time the document is issued, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is [$650] ***$1,200*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than [$650,] ***$1,200,*** for a misdemeanor.

Sec. 80. NRS 205.540 is hereby amended to read as follows:

205.540 Except as otherwise provided in chapter 104 of NRS, a bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a duplicate or additional negotiable document of title, knowing that a former negotiable document for the same goods or any part of them is outstanding and uncancelled, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is [$650] ***$1,200*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than [$650,] ***$1,200,*** for a misdemeanor.

Sec. 81. NRS 205.570 is hereby amended to read as follows:

205.570 A person who, with the intent to defraud, obtains a negotiable document of title for goods to which the person does not have title, or which are subject to a security interest, and negotiates the document for value, without disclosing the want of title or the existence of the security interest, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is [$650] ***$1,200*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than [$650,] ***$1,200,*** for a misdemeanor.

Sec. 82. NRS 205.580 is hereby amended to read as follows:

205.580 A person who, with the intent to defraud, secures the issue by a bailee of a negotiable document of title, knowing at the time of issue that any or all of the goods are not in possession of the bailee, by inducing the bailee to believe that the goods are in the bailee's possession, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is [$650] ***$1,200*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than [$650,] ***$1,200,*** for a misdemeanor.

Sec. 83. NRS 205.590 is hereby amended to read as follows:

205.590 A person who, with the intent to defraud, negotiates or transfers for value a document of title, which by the terms thereof represents that goods are in possession of the bailee who issued the document, knowing that the bailee is not in possession of the goods or any part thereof, without disclosing this fact, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[$650]~~ ***$1,200*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$650,]~~ ***$1,200,*** for a misdemeanor.

Sec. 84. NRS 205.605 is hereby amended to read as follows:

205.605 1. A person shall not:

(a) Use a scanning device to access, read, obtain, memorize or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card:

(1) Without the permission of the authorized user of the payment card; and

(2) With the intent to defraud the authorized user, the issuer of the payment card or any other person.

(b) Use a reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card:

(1) Without the permission of the authorized user of the card from which the information is being reencoded; and

(2) With the intent to defraud the authorized user, the issuer of the payment card or any other person.

2. A person who violates any provision of this section is guilty of a category ~~[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, and may be further punished by a fine of not more than $100,000.]~~ ***as provided in NRS 193.130.***

3. In addition to any other penalty, the court shall order a person who violates any provision of this section to pay restitution, including, without limitation, any attorney's fees and costs incurred to:

(a) Repair the credit history or rating of each person who is a victim of the violation; and

(b) Satisfy a debt, lien or other obligation incurred by each person who is a victim of the violation.

Sec. 84.3. NRS 205.606 is hereby amended to read as follows:

205.606 1. A person shall not ~~[possess]~~ ***:***

(a) Install or affix, temporarily or permanently, a scanning device within or upon a machine with the intent to use the scanning device for an unlawful purpose;

(b) Access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose; or

(c) Possess a scanning device or reencoder with the intent to use the scanning device or reencoder for an unlawful purpose.

2. A person who violates any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "machine" means a machine used to conduct financial transactions, including, without limitation, an automated teller or

fuel pump. As used in this subsection, "automated teller" means an electronic device that dispenses cash in connection with an account maintained in a financial institution or with another business.

Sec. 84.5. NRS 205.607 is hereby amended to read as follows:

205.607 The provisions of NRS 205.601 to 205.608, inclusive, do not apply to any person who, without the intent to defraud or commit an unlawful act, ***installs, affixes, accesses,*** possesses or uses a scanning device or reencoder:

1. In the ordinary course of his or her business or employment; or
2. Pursuant to a financial transaction entered into with an authorized user of a payment card who has given permission for the financial transaction.

Sec. 84.7. NRS 205.940 is hereby amended to read as follows:

205.940 1. Any person who in renting or leasing any personal property obtains or retains possession of such personal property by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his or her name, residence, employment or operator's license, is guilty of larceny and shall be punished as provided in NRS 205.2175 to ~~[205.2707,]~~ ***205.2705,*** inclusive. It is a complete defense to any civil action arising out of or involving the arrest or detention of any person renting or leasing personal property that any representation made by the person in obtaining or retaining possession of the personal property is contrary to the fact.

2. Any person who, after renting or leasing any personal property under an agreement in writing which provides for the return of the personal property to a particular place at a particular time fails to return the personal property to such place within the time specified, and who, with the intent to defraud the lessor or to retain possession of such property without the lessor's permission, thereafter fails to return such property to any place of business of the lessor within 72 hours after a written demand for the return of such property is made upon the person by registered mail addressed to his or her address as shown in the written agreement, or in the absence of such address, to his or her last known place of residence, is guilty of larceny and shall be punished as provided in NRS 205.2175 to ~~[205.2707,]~~ ***205.2705,*** inclusive. The failure to return the personal property to the place specified in the agreement is prima facie evidence of an intent to defraud the lessor or to retain possession of such property without the lessor's permission. It is a complete defense to any civil action arising out of or involving the arrest or detention of any person upon whom such demand was made that the person failed to return the personal property to any place of business of the lessor within 20 days after such demand.

Sec. 85. NRS 205.950 is hereby amended to read as follows:

205.950 1. It is unlawful for a person to receive an advance fee, salary, deposit or money to obtain a loan for another unless the person places the

advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan.

2. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsection 1 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in subsection 3.

3. A person who violates the provisions of this section:

(a) Is guilty of a misdemeanor if the amount is less than ~~[$650;]~~ ***$1,200; or***

(b) ~~[Is guilty of a gross misdemeanor if the amount is $650 or more but less than $1,000; or~~

~~(c)]~~ Is guilty of a category D felony if the amount is ~~[$1,000]~~ ***$1,200*** or more and shall be punished as provided in NRS 193.130.

Sec. 85.5. NRS 205.980 is hereby amended to read as follows:

205.980 1. A person who is convicted of violating any provision of NRS 205.060 or 205.2175 to ~~[205.2707,]~~ ***205.2705,*** inclusive, is civilly liable for the value of any property stolen and not recovered in its original condition. The value of the property must be determined by its retail value or fair market value at the time the crime was committed, whichever is greater.

2. A person who is convicted of any other crime involving damage to property is civilly liable for the amount of damage done to the property.

3. The prosecutor shall notify the victim concerning the disposition of the criminal charges against the defendant within 30 days after the disposition. The notice must be sent to the last known address of the victim.

4. An order of restitution signed by the judge in whose court the conviction was entered shall be deemed a judgment against the defendant for the purpose of collecting damages.

5. Nothing in this section prohibits a victim from recovering additional damages from the defendant.

Sec. 86. NRS 207.010 is hereby amended to read as follows:

207.010 1. Unless the person is prosecuted pursuant to NRS 207.012 or 207.014, a person convicted in this State of:

(a) Any felony, who has previously been ~~[two]~~ ***five*** times convicted, whether in this State or elsewhere, of any crime which under the laws of the situs of the crime or of this State would amount to a felony is a habitual criminal and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years.

(b) Any felony, who has previously been ~~[three]~~ ***seven*** times convicted, whether in this State or elsewhere, of any crime which under the laws of the situs of the crime or of this State would amount to a felony is a habitual criminal and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. ***A previous or current conviction under NRS 453.336 or 453.411 must not be used as the basis for a conviction pursuant to this section.***

3. It is within the discretion of the prosecuting attorney whether to include a count under this section in any information or file a notice of habitual criminality if an indictment is found. The trial judge may, at his or her discretion, dismiss a count under this section which is included in any indictment or information.

Sec. 87. NRS 207.012 is hereby amended to read as follows:

207.012 1. A person who:

(a) Has been convicted in this State of a felony listed in subsection 2; and

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this State would be a felony listed in subsection 2, whether the prior convictions occurred in this State or elsewhere,

➥ is a habitual felon and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. The district attorney shall include a count under this section in any information or shall file a notice of habitual felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160, 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, paragraph (b) of subsection 1 or subsection 2 of NRS 202.830, NRS 205.010, subsection ~~[4]~~ ***5*** of NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.3325, 453.333, 484C.130, 484C.430 or 484E.010.

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

Sec. 88. NRS 207.203 is hereby amended to read as follows:

207.203 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who commits a violation of NRS 207.200 by trespassing on the premises of a licensed gaming establishment and who has previously been convicted of three violations of NRS 201.354 within the immediately preceding 5 years is guilty of a misdemeanor and shall be punished by:

(a) A fine of $1,000;

(b) Imprisonment in the county jail for not more than 6 months; or

(c) Both fine and imprisonment.

➥ In lieu of all or a part of the punishment which may be imposed pursuant to this subsection, the person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.

2. The court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of ~~[a]~~ ***:***

(a) A counseling or educational program ***;*** or ~~[, in]~~

(b) In the case of a person dependent upon drugs, ~~[of]~~ a program of treatment and rehabilitation pursuant to ~~[NRS 453.580.]~~ ***section 20 of this act if the court determines that the person is eligible for participation in such a program.***

3. Upon violation of a term or condition, the court may enter a judgment of conviction and punish the person as provided in subsection 1.

4. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her.

5. Except as otherwise provided in subsection 6, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may only occur once with respect to any person.

6. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

7. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is

assigned and the cost of any additional supervision required, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

8. As used in this section, "licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

Sec. 89. NRS 209.1315 is hereby amended to read as follows:

209.1315 The Director may continue to develop and implement, in each institution and facility of the Department, a program of facility training for the correctional staff. ***Such training must include:***

1. Training in evidence-based practices, including, without limitation, principles of effective intervention, effective case management and core correctional practices; and

2. Courses on interacting with victims of domestic violence and trauma and people with behavioral health needs and both physical and intellectual disabilities.

Sec. 90. NRS 209.341 is hereby amended to read as follows:

209.341 ***1.*** The Director shall:

~~[1.]~~ ***(a)*** Establish, with the approval of the Board, a system of initial classification and evaluation for offenders who are sentenced to imprisonment in the state prison ***.*** ~~[; and~~

~~2.]~~ ***(b)*** Assign every person who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department. The assignment must be based on an evaluation of the offender's records, particular needs and requirements for custody.

(c) Administer a risk and needs assessment to each offender for the purpose of guiding institutional programming and placement. The Department may consider the responsivity factors of an offender when making decisions concerning such programming and placement.

2. Any risk and needs assessment used by the Department pursuant to this section must undergo a validation study not less than once every 3 years. The Department shall establish quality assurance procedures to ensure proper and consistent scoring of any risk and needs assessment used pursuant to this section.

3. As used in this section:

(a) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(b) "Risk and needs assessment" has the meaning ascribed to it in NRS 213.107.

Sec. 91. NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection 6, the Director may ***approve a medical release and*** assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other

appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if:

(a) The Director has reason to believe that the offender is:

(1) Physically incapacitated or in ill health to such a degree that the offender does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within ~~[12]~~ ***18*** months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians ***or nurses*** licensed pursuant to chapter 630 ***, 632*** or 633 of NRS, ***as applicable,*** one of whom is not employed by the Department, verify, in writing, that the offender is:

(1) Physically incapacitated or in ill health; or

(2) In ill health and expected to die within ~~[12]~~ ***18*** months.

2. ***A request for medical release pursuant to this section:***

(a) May be submitted to the Director by:

(1) A prison official or employee;

(2) An offender;

(3) An attorney or representative of an offender;

(4) A family member of an offender; or

(5) A medical or mental health professional.

(b) Must be in writing and articulate the grounds supporting the appropriateness of the medical release of the offender.

3. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

~~[3.]~~ ***4.*** Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➥ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

~~[4.]~~ ***5.*** If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

~~[5.]~~ ***6.*** The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

~~[6.]~~ ***7.*** The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

~~[7.]~~ ***8.*** An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

~~[8.]~~ ***9.*** The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 92. NRS 209.511 is hereby amended to read as follows:

209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide

bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

3. ~~[Except as otherwise provided in subsection 4, when]~~ ***When*** an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; ~~[or]~~

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles; ***or***

(3) Is not currently in possession of a photo identification card;

(f) ~~[May]~~ ***Shall*** provide the offender with clothing suitable for reentering society;

(g) ~~[May]~~ ***Shall*** provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(h) ~~[May, but is not required to,]~~ ***If appropriate, shall*** release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; ~~[and]~~

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus ~~[.]~~ ***;***

(j) If the offender is eligible for Medicaid or Medicare, shall complete enrollment application paperwork for the offender; and

(k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication.

4. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 3 unless ***the photo identification card clearly indicates whether*** the Director ~~[has]~~ ***:***

(a) Has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished

as proof of the full legal name and age of an applicant for a driver's license or identification card [.] ***; or***

(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).

5. The costs authorized ***or required*** in paragraphs (a), (e), (f), (g) ***,*** ~~[and]~~ (i) ***and (k)*** of subsection 3 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

6. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.

7. As used in this section:

(a) "Eligible offender" means an offender who is:

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment Services instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(c) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.

Sec. 93. Chapter 213 of NRS is hereby amended by adding thereto the provisions set forth as sections 93.3 and 93.7 of this act.

Sec. 93.3. ***1. Notwithstanding any other provision of law, the Board may grant geriatric parole to a prisoner if he or she:***

(a) Has not been convicted of:

(1) A crime of violence;

(2) A crime against a child as defined in NRS 179D.0357;

(3) A sexual offense as defined in NRS 179D.097;

(4) Vehicular homicide pursuant to NRS 484C.130; or

(5) A violation of NRS 484C.430;

(b) Is not serving a sentence of life imprisonment without the possibility of parole and has not been sentenced to death;

(c) Does not pose a significant and articulable risk to public safety; and

(d) Is 65 years of age or older and has served 8 consecutive years in the custody of the Department, including any credit earned for time served in a county jail as ordered by the court, or at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence, whichever occurs earlier.

2. Consideration for geriatric parole may be initiated by the submission of a written application and supporting documentation to the Board, including, without limitation, relevant medical records, plans for parole, program participation records, institutional records, documents concerning eligibility for Medicaid or Medicare and any other relevant documents, from:

(a) A prison official or employee;

(b) A prisoner;

(c) An attorney or representative of a prisoner;

(d) A family member of a prisoner; or

(e) A medical or mental health professional.

3. Not later than 15 days after receipt of an application submitted pursuant to subsection 2, the Board shall notify the Department of the application and request verification of the prisoner's age and the length of time the prisoner has spent in the custody of the Department.

4. Upon receipt of a request from the Board submitted pursuant to subsection 3, if the Department determines that the prisoner:

(a) Meets the criteria set forth in subsection 1, the Department shall:

(1) Notify the Board of the prisoner's eligibility for consideration of geriatric parole;

(2) Place the prisoner on the next available list of persons eligible for parole pursuant to NRS 209.254; and

(3) Provide to the Board a report prepared in accordance with paragraph (c) of subsection 1 of NRS 213.131.

(b) Does not meet the criteria set forth in subsection 1, the Department shall notify the Board and explain the reasons for such a determination.

5. Upon receipt of the list prepared pursuant to NRS 209.254, the Board shall, after sending copies of the list to all law enforcement agencies in this State and other appropriate persons in accordance with subsection 5 of NRS 213.1085, schedule a hearing to consider the geriatric parole of an eligible prisoner whose name appears on the list.

6. Except as otherwise provided in subsection 7, the Board shall schedule and conduct the geriatric parole hearing of a prisoner in the same general manner in which other prisoners are considered for parole. The Board shall notify the prisoner and the person submitting the application pursuant to subsection 2 of the date, time and location of the geriatric parole hearing.

7. When determining whether to grant geriatric parole to a prisoner, the Board must consider:

(a) The prisoner's:

(1) Age;

(2) Behavior while in custody; and

(3) Potential for violence;

(b) The reported severity of any illness, disease or infirmity of the prisoner; and

(c) Any available alternatives for maintaining geriatric inmates or inmates who have a medical condition in traditional settings.

8. The Board shall notify a prisoner of the Board's decision as to whether to grant geriatric parole in accordance with subsection 11 of NRS 213.131.

9. At the time of the release of a prisoner on geriatric parole, the Board shall prescribe the terms and conditions of the geriatric parole.

10. A person who is granted geriatric parole pursuant to this section is under the supervision of the Division. The Division is responsible for supervising the person's compliance with the terms and conditions prescribed by the Board.

11. Except as otherwise provided in this subsection, the Board shall not take any action on an application submitted pursuant to subsection 2 if the prisoner to whom the application pertains was previously denied geriatric parole and less than 24 months have elapsed since the most recent denial. The Board may take action on such an application if a shorter period has been prescribed by the Board or a request is made by the Director of the Department because of the adverse health of the prisoner.

12. The provisions of this section are not intended to replace the provisions relating to the general eligibility and consideration of parole provided in NRS 213.1099 and 213.1215.

13. The Board shall adopt any regulations necessary to carry out the provisions of this section.

14. As used in this section, "Department" means the Department of Corrections.

Sec. 93.7. *1. Notwithstanding any other provision of law, and except as otherwise provided in subsection 3, the Division shall recommend the early discharge of a person from parole to the Board if a parolee:*

(a) Has served at least 12 calendar months on parole supervision in the community and is projected to have not more than 12 calendar months of community supervision remaining to serve on any sentence;

(b) Has not violated any condition of parole during the immediately preceding 12 months;

(c) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;

(d) Has paid restitution in full or, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court; and

(e) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the Board.

2. The Board may award credits in an amount equal to the time remaining on any sentence to reduce the sentence to time served.

3. The provisions of this section do not apply to any person who is sentenced to lifetime supervision pursuant to NRS 176.0931.

4. The Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 94. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, ***and sections 93.3 and 93.7 of this act,*** unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. ***"Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.***

6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

7. "Sex offender" means any person who has been or is convicted of a sexual offense.

~~[6.]~~ ***8.*** "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

~~[7.]~~ ***9.*** "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 95. NRS 213.1078 is hereby amended to read as follows:

213.1078 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 3 and 5,*** the Division shall ***administer a risk and needs assessment to each probationer and parolee under the Division's supervision. The results of the risk and needs assessment must be used to*** set a level of supervision for each probationer ~~[. At]~~ ***and parolee and to develop individualized case plans pursuant to subsection 6. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.***

2. Except as otherwise provided in subsection 3, [least once every 6 months,] ***on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool,*** or more often if necessary, the Division shall [review the probationer's level of supervision] ***administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used*** to determine whether a change in the level of supervision is necessary. The Division shall [specify in each review] ***document*** the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.

[2.] ***3.*** The provisions of [subsection] ***subsections*** 1 ***and 2*** are not applicable if:

(a) The level of supervision for the probationer is set by the court or by law; or

(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.

[3.] ***4.*** Except as otherwise provided in subsection [4,] ***5,*** [at least once every 6 months,] ***on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool,*** or more often if necessary, the Division shall [review a parolee's level of supervision] ***administer a subsequent risk and needs assessment to each parolee. The results of the risk and needs assessment conducted in accordance with this subsection must be used*** to determine whether a change in the level of supervision is necessary. The Division shall [specify in each review] ***document*** the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the parolee of the change.

[4.] ***5.*** The provisions of [subsection 3] ***subsections 1 and 4*** are not applicable if the level of supervision for the parolee is set by the Board or by law.

6. The Division shall develop an individualized case plan for each probationer and parolee. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each probationer or parolee.

7. Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall seek a modification of the terms and conditions from the court pursuant to subsection 1 of NRS 176A.450.

8. Upon a finding that a condition of parole or the level of parole supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 4, the supervising officer shall submit a request to the Board to modify the

condition or level of supervision set by the Board. The Division shall provide written notification to the parolee of any modification.

9. The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

Sec. 96. NRS 213.1095 is hereby amended to read as follows:

213.1095 The Chief Parole and Probation Officer:

1. Is responsible for and shall supervise the fiscal affairs and responsibilities of the Division.

2. May establish, consolidate and abolish sections within the Division.

3. May establish, consolidate and abolish districts within the State to which assistant parole and probation officers are assigned.

4. Shall appoint the necessary supervisory personnel and other assistants and employees as may be necessary for the efficient discharge of the responsibilities of the Division.

5. Is responsible for such reports of investigation and supervision and other reports as may be requested by the Board or courts.

6. Shall direct the work of all assistants and employees assigned to him or her.

7. Shall formulate methods of investigation, supervision, recordkeeping and reporting.

8. Shall develop policies of parole and probation after considering other acceptable and recognized correctional programs and conduct training courses for the staff. ***Such training courses must include:***

(a) Training in evidence-based practices, including, without limitation, principles of effective intervention, effective case management and effective practices in community supervision settings; and

(b) Courses on interacting with victims of domestic violence and trauma and people with behavioral health needs and both physical and intellectual disabilities.

9. Shall furnish to each person released under his or her supervision a written statement of the conditions of parole or probation, instruct any parolee or probationer regarding those conditions, and advise the Board or the court of any violation of the conditions of parole and probation.

10. At the close of each biennium, shall submit to the Governor and the Board a report, with statistical and other data, of his or her work.

Sec. 97. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in this section and in cases where a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment for a term of 3 years or more:

(a) Has not been released on parole previously for that sentence; and

(b) Is not otherwise ineligible for parole,

➥ the prisoner must be released on parole 12 months before the end of his or her maximum term or maximum aggregate term, as applicable, as reduced by any credits the prisoner has earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in this section, a prisoner who was sentenced to life imprisonment with the possibility of parole and who was less than 16 years of age at the time that the prisoner committed the offense for which the prisoner was imprisoned must, if the prisoner still has a consecutive sentence to be served, be granted parole from his or her current term of imprisonment to his or her subsequent term of imprisonment or must, if the prisoner does not still have a consecutive sentence to be served, be released on parole, if:

(a) The prisoner has served the minimum term or the minimum aggregate term of imprisonment imposed by the court, as applicable;

(b) The prisoner has completed a program of general education or an industrial or vocational training program;

(c) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and

(d) The prisoner has not, within the immediately preceding 24 months:

(1) Committed a major violation of the regulations of the Department of Corrections; or

(2) Been housed in disciplinary segregation.

3. If a prisoner who meets the criteria set forth in subsection 2 is determined to be a high risk to reoffend in a sexual manner pursuant to NRS 213.1214, the Board is not required to release the prisoner on parole pursuant to this section. If the prisoner is not granted parole, a rehearing date must be scheduled pursuant to NRS 213.142.

4. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.

5. Each parolee so released must be supervised closely by the Division, in accordance with the plan for supervision developed by the Chief pursuant to NRS 213.122.

6. ***If a prisoner meets the criteria set forth in subsection 1 and there are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 or, if the Board is not required to provide notification of hearings pursuant to NRS 213.10915, the Board has not been notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings, the Board may grant parole to the prisoner without a meeting.*** If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 1 will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his or her sentence and not grant the parole. If, pursuant to this subsection, the Board

does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner a written statement of its reasons for denying parole.

7. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 2 will be a danger to public safety while on parole, the Board is not required to grant the parole and shall schedule a rehearing pursuant to NRS 213.142. Except as otherwise provided in subsection 3 of NRS 213.1519, if a prisoner is not granted parole pursuant to this subsection, the criteria set forth in subsection 2 must be applied at each subsequent hearing until the prisoner is granted parole or expires his or her sentence. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 2, the Board shall provide to the prisoner a written statement of its reasons for denying parole, along with specific recommendations of the Board, if any, to improve the possibility of granting parole the next time the prisoner may be considered for parole.

8. If the prisoner is the subject of a lawful request from another law enforcement agency that the prisoner be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

9. If the Division has not completed its establishment of a program for the prisoner's activities during his or her parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

10. For the purposes of this section, the determination of the 12-month period before the end of a prisoner's term must be calculated without consideration of any credits the prisoner may have earned to reduce his or her sentence had the prisoner not been paroled.

Sec. 98. NRS 213.131 is hereby amended to read as follows:

213.131 1. The Department of Corrections shall:

(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;

(b) Notify the Board of the eligibility of the prisoner to be considered for parole; and

(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.

2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this

subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings are quasi-judicial and must be open to the public. No rights other than those conferred pursuant to this section or pursuant to specific statute concerning meetings to consider prisoners for parole are available to any person with respect to such meetings.

4. Except as otherwise provided in NRS 213.10915, not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of the victim's rights pursuant to this subsection, if the victim has requested notification in writing and has provided his or her current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his or her rights pursuant to this subsection and the victim is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.

6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the State Board of Parole Commissioners.

7. Except as otherwise provided in NRS 213.10915, if a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

9. The Board may grant parole without a meeting, pursuant to NRS ***213.1215 or*** 213.133, but the Board must not deny parole to a prisoner unless the prisoner has been given reasonable notice of the meeting and the opportunity to be present at the meeting. If the Board fails to provide notice of the meeting to the prisoner or to provide the prisoner with an opportunity to be present and determines that it may deny parole, the Board may reschedule the meeting.

10. During a meeting to consider a prisoner for parole, the Board shall allow the prisoner:

(a) At his or her own expense, to have a representative present with whom the prisoner may confer; and

(b) To speak on his or her own behalf or to have his or her representative speak on his or her behalf.

11. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any.

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

Sec. 99. NRS 213.133 is hereby amended to read as follows:

213.133 1. Except as otherwise provided in subsections 6, 7 and 8, the Board may delegate its authority to hear, consider and act upon the parole of a prisoner and on any issue before the Board to a panel consisting of:

(a) Two or more members of the Board, two of whom constitute a quorum; or

(b) One member of the Board who is assisted by a case hearing representative.

2. No action taken by any panel created pursuant to paragraph (a) of subsection 1 is valid unless concurred in by a majority vote of those sitting on the panel.

3. The decision of a panel is subject to final approval by the affirmative action of a majority of the members appointed to the Board. Such action may be taken at a meeting of the Board or without a meeting by the delivery of written approval to the Executive Secretary of the Board.

4. The degree of complexity of issues presented must be taken into account before the Board makes any delegation of its authority and before it determines the extent of a delegation.

5. The Board shall adopt regulations which establish the basic types of delegable cases and the size of the panel required for each type of case.

6. A hearing concerning the parole of a prisoner or any decision on an issue involving a person:

(a) Who committed a capital offense;

(b) Who is serving a sentence of imprisonment for life;

(c) Who has been convicted of a sexual offense involving the use or threat of use of force or violence;

(d) Who is a habitual criminal; or

(e) Whose sentence has been commuted by the State Board of Pardons Commissioners,

➥ must be conducted by at least three members of the Board, and action may be taken only with the concurrence of at least four members.

7. If a recommendation made by a panel deviates from the standards adopted by the Board pursuant to NRS 213.10885 or the recommendation of the Division, the Chair must concur in the recommendation.

8. [A] ***In accordance with any regulations adopted by the Board, a*** member of the Board or a person who has been designated as a case hearing representative in accordance with NRS 213.135 [may] ***shall review the parole eligibility of a prisoner and*** recommend to the Board that a prisoner be released on parole without a meeting if:

(a) The prisoner is not serving a sentence for a crime described in subsection 6;

(b) The parole standards created pursuant to NRS 213.10885 suggest that parole should be granted;

(c) There are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 or, if the Board is not required to provide notification of hearings pursuant to NRS 213.10915, the Board has not been notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings; and

(d) Notice to law enforcement of the eligibility for parole of the prisoner was given pursuant to subsection 5 of NRS 213.1085, and no person objected to granting parole without a meeting during the 30-day notice period.

9. ***If a member of the Board or a person who has been designated as a case hearing representative in accordance with NRS 213.135 does not recommend that a prisoner be released on parole without a meeting pursuant to subsection 8, the prisoner must have a parole hearing.***

10. A recommendation made in accordance with subsection 8 is subject to final approval by the affirmative action of a majority of the members appointed to the Board. The final approval by affirmative action must not take place until the expiration of the 30-day notice period to law enforcement of the eligibility for parole of the prisoner in accordance with subsection 5 of NRS 213.1085. Such action may be taken at a meeting of the Board or without a meeting of the Board by delivery of written approval to the Executive Secretary of the Board by a majority of the members.

Sec. 100. NRS 213.140 is hereby amended to read as follows:

213.140 1. When a prisoner becomes eligible for parole pursuant to this chapter or the regulations adopted pursuant to this chapter, the Board shall consider and may authorize the release of the prisoner on parole as provided in this chapter. The Board may authorize the release of a prisoner on parole whether or not parole is accepted by the prisoner.

2. ***Not later than 6 months before the date a prisoner becomes eligible for parole, the Department of Corrections and the prisoner shall develop a reentry plan for the prisoner that takes into consideration the needs, limitations and capabilities of the prisoner. The Division shall review the reentry plan and verify the information contained therein and shall coordinate with any other state agencies for available services regarding housing or treatment. Before the prisoner's parole eligibility date, the Department of Corrections shall provide a copy of the reentry plan to the***

prisoner. A reentry plan developed pursuant to this subsection must include, without limitation, information relating to:

(a) The proposed residence of the prisoner;

(b) The prisoner's employment or means of financial support;

(c) Any treatment and counseling options available to the prisoner, including, without limitation, any clinical assessments relating to the behavioral health needs of the prisoner;

(d) Any job or education services available to the prisoner; and

(e) Eligibility and enrollment for Medicaid and Medicare.

3. If the release of a prisoner on parole is authorized by the Board, the Division shall:

(a) Review and, if appropriate, approve each prisoner's proposed ***reentry*** plan ~~[for placement upon release;]~~ ***developed pursuant to subsection 2;*** or

(b) If the prisoner's ***proposed reentry*** plan is not approved by the Division, assist the prisoner to develop a plan for his or her placement upon release,

➥ before the prisoner is released on parole. The prisoner's proposed ***reentry*** plan must identify the county in which the prisoner will reside if the prisoner will be paroled in Nevada.

~~[3.]~~ ***4.*** If a prisoner is indigent and the prisoner's proposed ***reentry*** plan ~~[for placement upon release]~~ indicates that the prisoner will reside in transitional housing upon release, the Division may, within the limits of available resources, pay for all or a portion of the cost of the transitional housing for the prisoner based upon the prisoner's economic need, as determined by the Division. The Division shall make such payment directly to the provider of the transitional housing.

~~[4.]~~ ***5.*** The Board may adopt any regulations necessary or convenient to carry out this section.

Sec. 101. NRS 213.1519 is hereby amended to read as follows:

213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee whose parole is revoked by decision of the Board for ***the commission of*** a ~~[violation of any rule or regulation governing his or her conduct:]~~ ***new felony, gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485 or violation of NRS 484C.110 or 484C.120 or for absconding:***

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.

➥ The Board may restore any credits forfeited under this subsection.

2. A parolee released on parole pursuant to subsection 1 of NRS 213.1215 whose parole is revoked for having been convicted of a new felony:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve the entire unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence; and

(c) May not again be released on parole during his or her term of imprisonment.

3. A parolee released on parole pursuant to subsection 2 of NRS 213.1215 whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve such part of the unexpired maximum term or maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board; and

(c) Must not be considered again for release on parole pursuant to subsection 2 of NRS 213.1215 but may be considered for release on parole pursuant to NRS 213.1099, with rehearing dates scheduled pursuant to NRS 213.142.

➥ The Board may restore any credits forfeited under this subsection.

4. If the Board finds that the parolee committed one or more technical violations of the conditions of parole, the Board may:

(a) Continue parole supervision;

(b) Temporarily revoke parole supervision and impose a term of imprisonment of not more than:

(1) Thirty days for the first temporary parole revocation;

(2) Sixty days for the second temporary parole revocation; or

(3) Ninety days for the third temporary parole revocation; or

(c) Fully revoke parole supervision and impose the remainder of the sentence for a fourth or subsequent revocation.

5. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Technical violation" means any alleged violation of the conditions of parole that is not the commission of a new felony, gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485 or violation of NRS 484C.110 or 484C.120 and does not constitute absconding. The term does not include termination from a specialty court program.

Sec. 102. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means [:] ***a person who suffers direct or threatened physical, financial or psychological harm as a result of the commission of a crime, including, without limitation:***

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

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

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

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

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

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

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

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300 ~~[.]~~ ***; or***

(i) A person who is an immediate family member of a victim who:

(1) Is a minor;

(2) Is physically or mentally incompetent; or

(3) Was killed.

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

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

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

Sec. 102.5. ~~[NRS 284.140 is hereby amended to read as follows:~~

~~284.140 The unclassified service of the State consists of the following state officers or employees in the Executive Department of the State Government who receive annual salaries for their services:~~

~~1. Members of boards and commissions, and heads of departments, agencies and institutions required by law to be appointed.~~

~~2. Except as otherwise provided in NRS 223.085, 223.600 and 232.461~~ ~~***and section 5.5 of this act***~~ ~~all persons required by law to be appointed by the Governor or heads of departments or agencies appointed by the Governor or by boards.~~

~~3. All employees other than clerical in the Office of the Attorney General and the State Public Defender required by law to be appointed by the Attorney General or the State Public Defender.~~

~~4. Except as otherwise provided by the Board of Regents of the University of Nevada pursuant to NRS 396.251, officers and members of the teaching staff and the staffs of the Agricultural Extension Department and Experiment Station of the Nevada System of Higher Education, or any other state institution of learning, and student employees of these institutions. Custodial, clerical or maintenance employees of these institutions are in the classified service. The Board of Regents of the University of Nevada shall assist the Administrator in carrying out the provisions of this chapter applicable to the Nevada System of Higher Education.~~

~~5. All other officers and employees authorized by law to be employed in the unclassified service.]~~ **(Deleted by amendment.)**

Sec. 103. Chapter 289 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 and 105 of this act.

Sec. 104. ***1. The Commission shall, subject to the availability of funds appropriated for such a purpose, develop and implement a behavioral health field response grant program for the purpose of allowing law enforcement and behavioral health professionals to safely respond to crises, including, without limitation, by telephone or video, involving persons with behavioral health issues. The Commission may use a portion of the appropriated funds to develop data management capability to support the program.***

2. A local law enforcement agency may submit a grant application to the Commission that contains the agency's proposal to develop its behavioral health field response by incorporating behavioral health professionals into its behavioral health field response planning, or two or more local law enforcement agencies may submit a joint grant application that contains their joint proposal. Any proposal submitted by a law enforcement agency must provide a plan for improving behavioral health field response and diversion from incarceration through modifying or expanding law enforcement practices in partnership with behavioral health professionals. The Commission may prioritize grant applications that include total matching funds.

3. The Commission shall appoint a peer review panel to review, in consultation with behavioral health organizations and the Department of Health and Human Services the grant applications submitted by local law enforcement agencies and select the grant recipients. To the extent possible, at least one grant recipient must be from a rural county. To avoid any conflict of interest, any law enforcement agency that is included in a proposal shall recuse itself from voting on the peer review panel.

4. If the Commission certifies that the grant application of a selected recipient satisfies the proposal criteria, the Commission shall distribute grant funds to the selected recipient. The Commission shall make every effort to fund at least three grants each fiscal year. Grant recipients must be selected and receive grant funds not later than October 1 of each year the behavioral health field response grant program is funded.

5. A grant recipient must provide for at least one behavioral health professional who will perform professional services under its plan. Such a behavioral health professional may assist patrolling officers in the field or in an on-call capacity, provide preventive, follow-up training on behavioral health field response best practices or provide other services at the direction of the grant recipient. A grant recipient may coordinate with local public safety answering points to maximize the goals of its plan.

6. Using existing resources, the Commission shall:

(a) Consult with the staff of the Office of Analytics of the Department of Health and Human Services to establish data collection and reporting guidelines for grant recipients for the purpose of studying and evaluating whether the use of behavioral health field response programs improves the

outcomes of interactions with persons experiencing behavioral health crises, including, without limitation, by reducing rates of violence, arrests and jail or emergency room usage.

(b) Consult with the Department of Health and Human Services to develop requirements for participating behavioral health professionals.

(c) Coordinate with the Department of Health and Human Services, the Division of Public and Behavioral Health of the Department of Health and Human Services and public safety answering points to develop and incorporate telephone or dispatch protocols to assist with behavioral health, law enforcement and emergency medical responses involving behavioral health situations.

7. On or before December 1 of each year the behavioral health field response grant program is funded, the Commission shall submit to the Governor, the Chair of the Senate Standing Committee on Judiciary and the Chair of the Assembly Standing Committee on Judiciary a report concerning the program which must include, without limitation:

(a) Information on and feedback from grant recipients; and

(b) Information on the use of grant funds and the participation of behavioral health professionals.

8. A grant recipient shall develop and provide or arrange joint training necessary for both law enforcement and behavioral health professionals to operate successfully and competently in partnership with law enforcement agencies. The training must provide such professionals with working knowledge of law enforcement procedures and tools sufficient to provide for the safety of such professionals.

9. Nothing in this section prohibits the Commission from soliciting or accepting private funds to support the behavioral health field response grant program.

Sec. 105. ***1. Each law enforcement agency in this State shall:***

(a) Establish a policy and procedure for interacting with persons who suffer from a behavioral health issue, including, without limitation, a mental illness as defined in NRS 176A.045, an acute mental health crisis, a developmental disability or an intellectual disability as those terms are defined in NRS 435.007 or a substance use disorder; and

(b) Subject to the availability of funds appropriated for such a purpose, contract with or employ a behavioral health specialist.

2. As used in this section, "behavioral health specialist" means a physician who is certified by the Board of Medical Examiners, a psychologist, a physician assistant or an advanced practice registered nurse who is certified to practice as a behavioral health specialist, or a person who is licensed as a clinical social worker, clinical professional counselor or marriage and family therapist.

Sec. 106. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.650, inclusive, ***and sections 104 and 105 of this act,*** unless the context otherwise requires, the words and terms

defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 107. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

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

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

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

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

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

(3) Qualifications for instructors of peace officers; and

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

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

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

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

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.650, inclusive [.] ***, and sections 104 and 105 of this act.***

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

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

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

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

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

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

Sec. 108. NRS 289.650 is hereby amended to read as follows:

289.650 1. The Commission shall:

(a) Establish by regulation the minimum standards of a voluntary program for the training of law enforcement dispatchers. ***Such standards must include training relating to behavioral health crisis intervention as described in NRS 289.510.***

(b) Certify qualified instructors for approved courses of training for law enforcement dispatchers and issue appropriate certificates to instructors who become certified.

(c) Issue appropriate certificates to law enforcement dispatchers who have satisfactorily completed the voluntary program.

2. As used in this section, "law enforcement dispatcher" means a person who is employed by a law enforcement agency or regional telecommunication center and who promotes public safety by:

(a) Receiving calls for service related to crimes, traffic incidents, public safety and any other related calls for assistance; and

(b) Providing immediate and critical communication between the public and law enforcement agencies.

Sec. 109. NRS 433.254 is hereby amended to read as follows:

433.254 1. The Administrator serves at the pleasure of the Director of the Department and shall:

(a) Serve as the Executive Officer of the Division;

(b) Administer the Division in accordance with the policies established by the Commission;

(c) Make an annual report to the Director of the Department on the condition and operation of the Division, and such other reports as the Director may prescribe; and

(d) Employ, within the limits of available money, the assistants and employees necessary to the efficient operation of the Division.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of the facilities of the Division.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

~~[4. The Administrator may accept persons referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.]~~

Sec. 110. NRS 433B.130 is hereby amended to read as follows:

433B.130 1. The Administrator shall:

(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.

(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the provisions of NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the policies adopted pursuant thereto.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

4. ~~[The Administrator may accept children referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.~~

~~5.]~~ The Administrator may enter into agreements with the Administrator of the Division of Public and Behavioral Health of the Department or with the Administrator of the Aging and Disability Services Division of the Department for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of Public and Behavioral Health or the Aging and Disability Services Division, as applicable.

Sec. 110.5. NRS 439.258 is hereby amended to read as follows:

439.258 1. The Division shall evaluate, certify and monitor programs for the treatment of persons who commit domestic violence in accordance with the regulations adopted pursuant to subsection 2.

2. The Division shall adopt regulations governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence.

3. The regulations adopted pursuant to subsection 2 must include, without limitation, provisions ~~[allowing]~~ ***:***

(a) Requiring that a program:

(1) Include a module specific to victim safety; and

(2) Be based on:

(I) Evidence-based practices; and

(II) The assessment of a program participant by a supervisor of treatment or provider of treatment; and

(b) Allowing a program that is located in another state to become certified in this State to provide treatment to persons who:

~~[(a)]~~ *(1)* Reside in this State; and

~~[(b)]~~ *(2)* Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.

Sec. 111. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category ~~[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 6 years, and may be further punished by a fine of not more than $10,000, except as otherwise provided in subsection 2.]~~ ***as provided in NRS 193.130.***

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than ~~[2 years]~~ ***1 year*** and a maximum term of not more than ~~[10]~~ ***6*** years, and may be further punished by a fine of not more than ~~[$20,000. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section if the person has been previously convicted under this section or of any other offense described in this subsection.]~~ ***$10,000.***

3. This section does not apply to any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

Sec. 112. NRS 453.321 is hereby amended to read as follows:

453.321 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:

(a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;

(b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1 and the controlled substance is classified in schedule I or II, the person ~~[is guilty of a category B felony and]~~ shall be punished:

(a) For the first offense, ~~[by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $20,000.]~~ ***for a category C felony as provided in NRS 193.130.***

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, ***for a category B felony*** by imprisonment in the state

prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $20,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, ***for a category B felony*** by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. ~~[The]~~ ***Unless mitigating circumstances exist that warrant the granting of probation, the*** court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category ~~[C]~~ ***D*** felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category ~~[B]~~ ***C*** felony ~~[by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $15,000.]~~ ***as provided in NRS 193.130.***

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than ~~[3]~~ ***2*** years and a maximum term of not more than ~~[15]~~ ***10*** years, and may be further punished by a fine of not more than ~~[$20,000]~~ ***$15,000*** for each offense.

5. ~~[The]~~ ***Unless mitigating circumstances exist that warrant the granting of probation, the*** court shall not grant probation to or suspend the sentence of a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 113. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered

nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For [~~the~~] ***a*** first or second offense, if the controlled substance is listed in schedule I [~~,~~] ***or*** II [~~,~~] ***and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule*** III ***,*** [~~or~~] IV [~~,~~] ***or V and the quantity possessed is less than 28 grams,*** for a category E felony as provided in NRS 193.130. ***In accordance with section 19 of this act, the court shall defer judgment upon the consent of the person.***

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I [~~,~~] ***or*** II [~~,~~] ***and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule*** III ***,*** [~~or~~] IV [~~,~~] ***or V and the quantity possessed is less than 28 grams,*** or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) [~~For the first offense, if~~] ***If*** the controlled substance is listed in schedule [~~V,~~] ***I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams,*** for a category [~~E~~] ***C*** felony as provided in NRS 193.130.

(d) [~~For a second or subsequent offense, if~~] ***If*** the controlled substance is listed in schedule [~~V,~~] ***I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more,*** for a category [~~D~~] ***B*** felony [~~as provided in NRS 193.130.~~] ***by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.***

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) ~~[Examined by a treatment provider approved by the court to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned]~~ ***Assigned*** to a program of treatment and rehabilitation pursuant to ~~[NRS 453.580. As used in this subparagraph, "treatment provider" has the meaning ascribed to it in NRS 458.010.]~~ ***section 20 of this act if the court determines that the person is eligible to participate in such a program.***

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to ~~[NRS 453.580.]~~ ***section 20 of this act if the court determines that the person is eligible to participate in such a program.***

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. ***The court may grant probation to or suspend the sentence of a person convicted of violating this section.***

7. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 114. NRS 453.3361 is hereby amended to read as follows:

453.3361 1. A local authority may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 453.336 for similar offenses under a local ordinance. The ordinance must set forth the manner in which money collected from fines imposed by a court for a violation of the ordinance must be disbursed in accordance with subsection 2.

2. Money collected from fines imposed by a court for a violation of an ordinance enacted pursuant to subsection 1 must be evenly allocated among:

(a) Nonprofit programs for the treatment of ~~[abuse]~~ ***use*** of alcohol or drugs that are certified by the Division of Public and Behavioral Health of the Department;

(b) A program of treatment and rehabilitation established by a court pursuant to ~~[NRS 453.580,]~~ ***section 20 of this act,*** if any; and

(c) Local law enforcement agencies,

➥ in a manner determined by the court.

3. As used in this section, “local authority” means the governing board of a county, city or other political subdivision having authority to enact ordinances.

Sec. 115. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325, subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty or guilty but mentally ill of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of ~~[an]~~ ***:***

(a) An educational program ***;*** or ~~[, in]~~

(b) In the case of a person dependent upon drugs, ~~[of]~~ a program of treatment and rehabilitation pursuant to ~~[NRS 453.580.]~~ ***section 20 of this act if the court determines that the person is eligible for participation in such a program.***

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

Sec. 116. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385, 453.339 or 453.3395, a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. ~~[The]~~ ***Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the*** court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. ***The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.***

Sec. 117. NRS 453.338 is hereby amended to read as follows:

453.338 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale any controlled substance classified in schedule III, IV or V.

2. A person who violates this section shall be punished:

(a) For the first and second offense, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $10,000.

(b) For a third or subsequent offense, or if the offender has been previously convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

3. **[**~~The~~**]** ***Unless mitigating circumstances exist that warrant the granting of probation, the*** court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable under paragraph (b) of subsection 2.

Sec. 118. (Deleted by amendment.)

Sec. 119. NRS 453.3385 is hereby amended to read as follows:

453.3385 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I, except marijuana, or any mixture which contains any such controlled substance, shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity **[**~~involved:~~

~~(a) Is 4 grams or more, but less than 14 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than $50,000.~~

~~(b) Is 14~~**]** ***possessed is 100*** grams or more, **[**~~but less than 28 grams,~~**]** for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than **[**~~15~~**]** ***20*** years and by a fine of not more than $100,000.

[~~(c) Is 28 grams or more, for a category A felony by imprisonment in the state prison:~~

~~(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or~~

~~(2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,~~

~~➥ and by a fine of not more than $500,000.~~**]**

2. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 120. (Deleted by amendment.)

Sec. 121. NRS 453.3395 is hereby amended to read as follows:

453.3395 Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual

or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity [~~involved:~~

~~1. Is 28 grams or more, but less than 200 grams, for a category C felony as provided in NRS 193.130 and by a fine of not more than $50,000.~~

~~2. Is 200~~] ***possessed is 400*** grams or more, [~~but less than 400 grams,~~] for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than [~~10~~] ***20*** years and by a fine of not more than $100,000.

[~~3. Is 400 grams or more, for a category A felony by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or~~

~~(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,~~

~~➥ and by a fine of not more than $250,000.~~]

Sec. 122. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. [~~Except as otherwise provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation~~] ***The court may grant probation to or suspend the sentence of a person convicted of violating the provisions*** of NRS 453.3385, 453.339 or 453.3395 [~~must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted.~~] ***unless the person violated any such section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.***

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385, 453.339 or 453.3395 if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

Sec. 122.5. NRS 453.411 is hereby amended to read as follows:

453.411 1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department, or a hospital certified by the Department.

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished **[**~~:~~

~~(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.~~

~~(b) If the controlled substance is listed in schedule V,~~**]** for a **[**~~gross~~**]** misdemeanor *.* **[**~~by imprisonment in the county jail for not more than 364 days, and may be further punished by a fine of not more than $1,000.~~**]**

Sec. 123. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount **[**~~:~~

~~(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.~~

~~(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.~~

~~(c) Not~~**]** ***not*** to exceed $1,000,000, if the quantity involved is **[**~~28~~**]** ***100*** grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount **[**~~:~~

~~(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.~~

~~(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.~~

~~(c) Not]~~ ***not*** to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.324, 453.354, 453.355 or 453.357, to a civil penalty in an amount not to exceed $250,000 for each violation.

6. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 124. NRS 453.700 is hereby amended to read as follows:

453.700 1. Any person who believes himself or herself to be a narcotic addict may make application to the Division of Public and Behavioral Health of the Department for voluntary submission to treatment maintained under the provisions of NRS 453.660 ***.*** ~~[or NRS 458.290 to 458.350, inclusive.]~~

2. The Division of Public and Behavioral Health shall adopt regulations relating to the requirements for voluntary submission under this section.

Sec. 125. NRS 465.088 is hereby amended to read as follows:

465.088 1. A person who violates any provision of NRS 465.070 to 465.086, inclusive ***:*** ~~[, is guilty of a category B felony and shall be punished:]~~

(a) For the first offense, ~~[by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $10,000, or by both fine and imprisonment.]~~ ***is guilty of a category C felony and shall be punished as provided in NRS 193.130.***

(b) For a second or subsequent violation of any of these provisions, ***is guilty of a category B felony and shall be punished*** by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000. ~~[The court shall not suspend a sentence of imprisonment imposed pursuant to this paragraph, or grant probation to the person convicted.]~~

2. A person who attempts, or two or more persons who conspire, to violate any provision of NRS 465.070 to 465.086, inclusive, each is guilty of a category ~~[B]~~ ***C*** felony and shall be punished by imposing the penalty provided in subsection 1 for the completed crime, whether or not he or she personally played any gambling game or used any prohibited device.

Sec. 126. NRS 475.105 is hereby amended to read as follows:

475.105 A person who steals a device intended for use in preventing, controlling, extinguishing or giving warning of a fire:

1. If the device has a value of less than ~~[$650,]~~ ***$1,200,*** is guilty of a ~~[gross]~~ misdemeanor.

2. If the device has a value of [~~$650~~] ***$1,200*** or more, is guilty of [~~grand larceny~~] ***a category D felony*** and shall be punished as provided in NRS [~~205.222.~~] ***193.130.***

Sec. 126.3. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 [~~.~~] ***which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.***

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605.

4. At the time of applying for a driver's license, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the

territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 126.7. NRS 483.860 is hereby amended to read as follows:

483.860 1. Every applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 [.] ***which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.***

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 127. NRS 484C.320 is hereby amended to read as follows:

484C.320 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug ~~[abuse]~~ ***use*** for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or ~~[abuser]~~ ***user*** of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the cost of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug ~~[abuse.]~~ ***use.*** The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for a period not to exceed 3 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in ~~[NRS 458.320 and 458.330,]~~ ***sections 20 to 23, inclusive, of this act,*** except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 128. NRS 484C.330 is hereby amended to read as follows:

484C.330 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug ~~[abuse]~~ ***use*** for at least 1 year. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or ~~[abuser]~~ ***user*** of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484C.400, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the

matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of the treatment provider for a period not to exceed 3 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in ~~[NRS 458.320 and 458.330,]~~ ***sections 20 to 23, inclusive, of this act,*** except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 129. NRS 484C.340 is hereby amended to read as follows:

484C.340 1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to

paragraph (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea, apply to the court to undergo a program of treatment for alcoholism or drug ~~[abuse]~~ ***use*** for at least 3 years. The court may authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or ~~[abuser]~~ ***user*** of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; and

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources.

➥ An alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor or a physician who diagnoses an offender as an alcoholic or ~~[abuser]~~ ***user*** of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation for not more than 5 years.

(b) Order the offender to complete a program of treatment for alcoholism or drug ~~[abuse]~~ ***use*** with a treatment provider approved by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for not more than 5 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) The court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if a treatment provider fails to accept the offender for a program of treatment for alcoholism or drug ~~[abuse]~~ ***use*** or if the offender fails to complete the program of treatment satisfactorily.

Any sentence of imprisonment may be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.

(5) The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply.

5. The court shall administer the program of treatment pursuant to the procedures provided in [~~NRS 458.320 and 458.330,~~] ***sections 20 to 23, inclusive, of this act,*** except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

(a) Serve not less than 6 months of residential confinement;

(b) Install, at his or her own expense, a device for not less than 12 months;

(c) Not drive any vehicle unless it is equipped with a device;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug [~~abuse~~] ***use*** pursuant to this section if the offender has previously applied to receive treatment pursuant to this section or if the offender has previously been convicted of:

(a) A violation of NRS 484C.430;

(b) A violation of NRS 484C.130;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(d) A violation of paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.410; or

(f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. As used is this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 130. NRS 484D.335 is hereby amended to read as follows:

484D.335 1. A person is guilty of a category [~~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 6 years, or by a fine of not more than $10,000, or by both fine and imprisonment,~~] ***as provided in NRS 193.130*** if the person knowingly sells a motor vehicle whose odometer has been altered for the purpose of fraud.

2. Except as otherwise provided in subsection 1, any person who violates the provisions of NRS 484D.300 to 484D.345, inclusive, is guilty of a misdemeanor.

Sec. 131. NRS 501.3765 is hereby amended to read as follows:

501.3765 1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than ~~[$650]~~ ***$1,200*** is guilty of a gross misdemeanor.

2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than ~~[$650:]~~ ***$1,200:***

(a) Knowing that the traps, snares or similar devices are stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property,

➥ is guilty of a gross misdemeanor.

Sec. 131.5. NRS 569.100 is hereby amended to read as follows:

569.100 1. A person who takes up an estray or feral livestock as provided for in NRS 569.040 to 569.130, inclusive, is entitled to hold the estray or feral livestock lawfully until relieved of custody by the Department.

2. A person shall not use or cause to be used, for profit or otherwise, any estray or feral livestock in the person's keeping under the provisions of NRS 569.040 to 569.130, inclusive. A violation of this subsection shall be deemed grand larceny or petit larceny, as set forth in NRS 205.2175 to ~~[205.2707,]~~ ***205.2705,*** inclusive, and the person shall be punished as provided in those sections.

3. Any person taking, leading or driving an estray or feral livestock away from the possession of the lawful holder, as specified in NRS 569.040 to 569.130, inclusive, except as otherwise provided in this section, is subject to all the penalties under the law, whether or not the person is the claimant of the estray or feral livestock.

Sec. 132. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by:

(a) Failing to properly report earnings;

(b) Filing a claim for benefits using the social security number, name or other personal identifying information of another person; or

(c) Filing a claim for or receiving benefits and failing to disclose, at the time he or she files the claim or receives the benefits, any compensation for a temporary total disability or a temporary partial disability or money for rehabilitative services pursuant to chapters 616A to 616D, inclusive, or 617 of NRS received by the person or for which a claim has been submitted pursuant to those chapters.

➥ A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. Except as otherwise provided in subsection 3 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,

➥ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.

5. A person who obtains benefits of ~~[$650]~~ ***$1,200*** or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection ~~[3 or 4]~~ ***2*** of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, the Administrator:

(a) Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.

(b) May impose a penalty equal to not more than:

(1) If the amount of such benefits is greater than $25 but not greater than $1,000, 5 percent;

(2) If the amount of such benefits is greater than $1,000 but not greater than $2,500, 10 percent; or

(3) If the amount of such benefits is greater than $2,500, 35 percent,

➥ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. Money recovered by the

Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 133. NRS 652.074 is hereby amended to read as follows:

652.074 The provisions of this chapter do not apply to any:

1. Test or examination conducted by a law enforcement officer or agency;

2. Test or examination required by a court as a part of or in addition to a program of treatment and rehabilitation pursuant to [~~NRS 453.580;~~] ***section 20 of this act;*** or

3. Task performed in accordance with the regulations adopted by the Board pursuant to NRS 449.0304 or 449.4309.

Sec. 133.3. **1. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public Safety for personnel costs for quality assurance, data tracking, record sealing and tracking the following sums:**

For the Fiscal Year 2019-2020 .... $344,542

For the Fiscal Year 2020-2021 .... $421,466

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 133.5. **1. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public**

Safety for personnel costs to upgrade the Nevada Offender Tracking Information System the sum of $150,337.

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

Sec. 133.7. **1. There is hereby appropriated from the State General Fund to the Department of Corrections for personnel costs to address reporting requirements imposed pursuant to the provisions of this act the following sums:**

For the Fiscal Year 2019-2020 .... $30,348
For the Fiscal Year 2020-2021 .... $83,133

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 134. 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. 135. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 135.5. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace the terms “abuse” and “abuser” as such terms appear in the Nevada Revised Statutes in relation to, without limitation, alcohol or drug abuse or substance abuse assessments, screenings, disorders or treatment programs, with the terms “use” and “user,” respectively, in the manner provided in this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the terms “abuse” and “abuser” are replaced with the terms “use” and “user,” respectively, as described in subsection 1 and as provided for in this act.

3. To the extent that revisions are made to the Nevada Revised Statutes pursuant to subsection 1, the revisions shall be construed as nonsubstantive

and it is not the intent of the Nevada Legislature to modify any existing interpretations of any statute which is so revised.

Sec. 136. NRS 205.2707, 453.580, 458.290, 458.300, 458.310, 458.320, 458.325, 458.330, 458.340 and 458.350 are hereby repealed.

Sec. 137. 1. This section ~~[becomes]~~ **and sections 133.3, 133.5 and 133.7 of this act become** effective ~~[upon passage and approval.]~~ **on July 1, 2019.**

2. ~~[Sections 5 to 5.7, inclusive, 9, 9.3, 9.7 and 102.5 of this act become effective:~~

~~(a) Upon passage and approval for the purpose of establishing the Office of the Nevada Sentencing Commission created by section 5.5 of this act, including appointing the Executive Director of the Office, and performing any other preliminary administrative tasks that are necessary to carry out the provisions of those sections; and~~

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

~~3.]~~ Sections 1 to ~~[4, inclusive, 6, 7, 8, 10 to 102,]~~ **133,** inclusive, and ~~[103]~~ **134** to 136, inclusive, **of this act** become effective on July 1, 2020.

LEADLINES OF REPEALED SECTIONS

205.2707 Penalty for theft of money or property of value of $650 or more from vending machines; determination of value of property taken includes cost to repair any damage to vending machine.

453.580 Program for treatment of certain offenders: Requirements; payment of costs; completion in another jurisdiction.

458.290 "Drug addict" defined.

458.300 Eligibility for assignment to program of treatment.

458.310 Hearing to determine whether defendant should receive treatment.

458.320 Examination of defendant; determination of acceptability for treatment; imposition of conditions; deferment of sentencing; payment of costs of treatment.

458.325 Completion of treatment under supervision of treatment provider in another jurisdiction.

458.330 Deferment of sentencing; satisfaction of conditions for treatment; determination of transfer to another treatment provider or sentencing; sealing of records.

458.340 Civil commitment not criminal conviction.

458.350 State or political subdivision not required to provide treatment provider for treatment.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 264.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 978.
AN ACT relating to governmental administration; requiring the Nevada Indian Commission to implement a policy that promotes collaboration between a state agency and Indian tribes; requiring the Governor to meet with the leaders of Indian tribes; requiring certain employees of state agencies to receive certain training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

New Mexico enacted the State-Tribal Collaboration Act in 2009. The Act promotes increased cooperation and collaboration between the state of New Mexico and the Indian nations or tribes of that state. (N.M. Stat. Ann. § 11-18-1) This bill models the provisions of the State-Tribal Collaboration Act of New Mexico. **Section 6** of this bill requires the Nevada Indian Commission to implement a policy that promotes collaboration and positive government-to-government relations between state agencies and Indian tribes. In developing such a policy, **section 6** requires the Commission to consult with [a representative] **representatives** of [an] Indian [tribe.] **tribes and state agencies.** **Section 6** also requires each state agency to collaborate with Indian tribes in the development and implementation of policies, agreements and programs that affect Indian tribes. **Section 6** further requires certain state agencies to designate a tribal liaison. **Section 6** also requires the head of a state agency and the tribal liaison to collaborate with an Indian tribe to resolve an issue the Indian tribe has identified with a policy, agreement or program of the state agency in accordance with the policy implemented by the Commission. [If the state agency and the Indian tribe are unable to resolve the issue, the head of the state agency must notify the Governor who must then attempt to resolve the issue.] Finally, **section 6** requires the Commission to post on its Internet website a list of the names and contact information for the leaders of the Indian tribes and the tribal liaison of each state agency. **Section 7** of this bill requires the Governor to meet with the Indian tribes at least once a year. **Section 7** also requires certain employees of state agencies to complete certain training. **Section 7** requires each state agency to submit a report to the Nevada Indian Commission, which then must compile the reports and submit them to the Governor and the Director of the Legislative Counsel Bureau. **Section 7** also requires the Commission to submit **periodically** a report to the Governor and the Director of the Legislative Counsel Bureau on its activities and recommendations. **Section 8** of this bill establishes that a private right of action does not exist under this bill.

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

Section 1. Chapter 233A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[4 and]~~ 3.5 to 5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. (Deleted by amendment.)

Sec. 3.5. "Agreement" means a written agreement or a written contract of a state agency.

Sec. 4. ***"Indian tribe" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.12, inclusive.***

Sec. 4.3. "Policy" means an official public policy of a state agency that creates a common practice relating to a class of issues.

Sec. 4.7. "Program" means an official program of a state agency.

Sec. 5. ***"State agency" means an agency, bureau, board, commission, department or division of the Executive Department of State Government.***

Sec. 6. ***1. The Commission shall develop and implement a policy that:***

(a) Promotes effective communication and collaboration between a state agency and Indian tribes;

(b) Promotes positive government-to-government relations between this State and Indian tribes;

(c) Promotes cultural competency in providing effective services to Indian tribes; and

(d) Establishes a method for notifying employees of a state agency of the provisions of sections 2 to 8, inclusive, of this act, and the policy that the Commission develops pursuant to this section.

2. In the process of developing the policy pursuant to subsection 1, the Commission shall consult with ~~[a representative]~~ representatives of ~~[an]~~ Indian ~~[tribe.]~~ tribes and of state agencies.

3. A state agency shall make a reasonable effort to collaborate with Indian tribes in the development and implementation of policies, agreements and programs of the state agency that directly affect Indian tribes.

4. Each state agency that communicates with Indian tribes on a regular basis shall designate a tribal liaison who reports directly to the office of the head of the agency. The tribal liaison shall:

(a) Assist the head of the state agency with ensuring the implementation of the policy developed pursuant to subsection 1;

(b) Serve as a contact person who shall maintain ongoing communication between the state agency and affected Indian tribes; and

(c) Ensure that training is provided to the staff of the state agency pursuant to subsection 2 of section 7 of this act.

➥ ***Nothing in this subsection precludes a tribal liaison from providing or facilitating additional training.***

5. If a representative of an Indian tribe, on tribal business, contacts a state agency to resolve an issue with a policy, agreement or program of the state agency that affects that Indian tribe, the tribal liaison of the state

agency shall notify the head of the state agency of the issue. The head of the state agency, or his or her designee, and the tribal liaison must follow the policy developed pursuant to subsection 1 to attempt to resolve the issue in collaboration with the Indian tribe. ~~***[If the state agency and the Indian tribe are unable to resolve the issue, the head of the state agency shall notify the Governor of the issue. After such notification, the Governor shall initiate contact with the Indian tribe to resolve the issue in collaboration with the state agency and the Indian tribe.]***~~

6. The Commission shall publish on its Internet website an accurate list of the names and contact information for the leaders of the Indian tribes and for the tribal liaison of each state agency that communicates with Indian tribes on a regular basis.

Sec. 7. ***1. At least once each year, the Governor shall meet with the leaders of Indian tribes in a state-tribal summit to address matters of mutual concern.***

2. All heads of a state agency and state agency managers and employees who have ongoing communication with Indian tribes shall complete a training provided by the Division of Human Resource Management of the Department of Administration, in consultation with the Commission. Such training must be designed to support:

(a) The promotion of effective communication and collaboration between state agencies and Indian tribes;

(b) The development of positive government-to-government relations between this State and Indian tribes; and

(c) Cultural competency in providing effective services to Indian tribes.

3. On or before July 1 of each year, each state agency that communicates with Indian tribes on a regular basis shall submit a report to the Commission on the activities of the state agency pursuant to sections 2 to 8, inclusive, of this act. The report must include:

(a) The name and contact information of each person in the state agency who is responsible for developing and implementing programs of the state agency that directly affect Indian tribes;

(b) Any actions taken or planned by the state agency to carry out the policy implemented pursuant to section 6 of this act;

(c) A certification by the Division of Human Resource Management of the Department of Administration of the number of managers and employees of the state agency who have completed the training required pursuant to subsection 2;

(d) A description of current and planned programs and services provided to or directly affecting Indian tribes and the amount of funding for each program; and

(e) A description of the method the state agency established for notifying employees of the state agency of the provisions of sections 2 to 8, inclusive, of this act.

4. The Commission shall periodically submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission:

(a) A compilation of the reports submitted pursuant to subsection 3; and

(b) A report on the activities and any findings and recommendations of the Commission.

Sec. 8. ***The provisions of sections 2 to 8, inclusive, of this act do not establish a private right of action against a state agency or a right of review of an action of a state agency.***

Sec. 9. Notwithstanding the provisions of section 7 of this act, the initial report submitted by each state agency pursuant to subsection 3 of section 7 of this act must be submitted on or before July 1, 2020.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 271.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 972.

AN ACT relating to employment; requiring an employer who operates a call center to provide certain notice to the Labor Commissioner **and affected employees** before relocating the call center to a foreign country; ~~[requiring the Labor Commissioner to compile a list containing certain information relating to such employers;]~~ **providing that such an employer is ineligible to receive incentives for economic development from a state agency for a certain period of time with certain exceptions;** authorizing the Labor Commissioner to impose certain penalties upon such employers for the failure to provide ~~[to the Labor Commissioner]~~ the required notice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires an employer who relocates a call center or certain operations of a call center to a foreign country to notify the Labor Commissioner **and the employees who will be displaced due to the relocation** of the relocation and of the number of employees displaced due to the relocation ~~[at least 60]~~ **not later than 90** days before the relocation. **Under section 6, an employer who has provided such notice is ineligible, for a period of 5 years, to receive an incentive for economic development from a state agency, including, without limitation, a grant, loan, tax credit or**

<u>abatement. Section 6 authorizes the Labor Commissioner to waive the provision making an employer ineligible for incentives upon the request of a state agency that wishes to provide such an incentive in certain circumstances.</u>

Section 7 of this bill ~~[authorizes]~~ **<u>requires</u>** the Labor Commissioner to **<u>: (1)</u>** impose civil penalties on an employer who fails to ~~[comply with this requirement. Section 6 requires the Labor Commissioner to compile a list of employers who have given]~~ **<u>provide the</u>** notice ~~[of a relocation of a call center to a foreign country and of the number of employees displaced due to the relocation of call centers]~~ **<u>required</u>** by ~~[such employers.]~~ **<u>section 6; or (2) require an employer who fails to provide the notice required by section 6 to conduct a study, at the expense of the employer, to determine the financial impact of the failure of the employer to provide the required notice and impose a civil penalty in an amount based on the results of that study.</u>**

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Call center" means a facility or other operation whereby workers receive telephone calls or other electronic communication for the purpose of providing customer service or related functions.***

Sec. 4. ***"Employer" means a person in this State who, for the purpose of staffing a call center, employs 50 or more call center employees.***

Sec. 5. (Deleted by amendment.)

Sec. 6. ***1. An employer who relocates a call center, or one or more facilities or operating units within a call center comprising at least 30 percent of the total operating volume of telephone calls or other electronic communications when measured against the average volume of those operations from the previous 12 months, from this State to a foreign country shall <u>, not later than 90 days before such relocation,</u> notify the Labor Commissioner <u>and the employees who will be displaced due to the relocation</u> of ~~[the]~~ <u>:</u>***

<u>(a) The</u> relocation <u>;</u> and ~~[of the]~~

<u>(b) The</u> number of employees ~~[that]~~ <u>who</u> will be displaced due to the relocation <u>.</u> ~~[at least 60 days before such relocation.]~~

2. ~~[The Labor Commissioner shall, at least semiannually, compile a list of employers]~~ <u>Except as otherwise provided in subsection 3, an employer</u> who ~~[have]~~ <u>has</u> provided <u>the</u> notice ~~[pursuant to]~~ <u>required by</u> subsection 1 ~~[and of the number of employees who have been displaced due to the relocation of call centers by such employers.]~~ <u>is ineligible to receive from a state agency</u>

any incentive for economic development, including, without limitation, any grant, loan, tax credit or abatement for a period of 5 years following the date upon which such notice was provided to the Labor Commissioner.

3. The Labor Commissioner may waive the provisions of subsection 2 for a state agency that wishes to provide an incentive for economic development to an employer who has provided the notice required by subsection 1 upon the request of the state agency if:

(a) The employer demonstrates to the satisfaction of the state agency that not being provided the incentive would cause job loss or an adverse impact on this State; and

(b) The state agency notifies the Labor Commissioner that the employer complied with paragraph (a) within 15 days after the state agency makes the determination of compliance.

Sec. 7. ***If an employer fails to provide the notice required by subsection 1 of section 6 of this act, the Labor Commissioner shall:***

1. Impose against the employer a civil penalty not to exceed $5,000 ~~***[;]***~~ ***for each day the employer fails to provide the notice; or***

2. ~~***[Conduct]***~~ ***Require the employer to conduct a study , ~~[at a cost not to exceed $5,000,]~~ at the expense of the employer, to determine the financial impact of the failure of the employer to provide the required notice on the community surrounding the call center and impose against the employer a civil penalty in an amount based upon the results of the study.***

Sec. 8. (Deleted by amendment.)

Sec. 9. ***The provisions of sections 2 to 10, inclusive, of this act must not be construed to authorize the withholding or denial of payments, compensation or benefits under any law of this State, including, without limitation, unemployment compensation, a disability benefit or a payment for the purposes of retraining or readjustment to an employee of an employer who relocates a call center to a foreign country.***

Sec. 10. ***The Labor Commissioner may adopt such regulations as are necessary to carry out the provisions of sections 2 to 10, inclusive, of this act.***

Sec. 11. (Deleted by amendment.)

Sec. 12. This act becomes effective:

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

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

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 276.
Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 955.

AN ACT relating to education; creating the Nevada State Teacher Recruitment and Retention Advisory Task Force; providing for the membership, powers and duties of the Task Force; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Nevada State Teacher Recruitment and Retention Advisory Task Force for the purpose of addressing the challenges with attracting and retaining teachers throughout this State. **Sections 3 and 5** of this bill set forth the membership, powers and duties of the Task Force. **Section 3** requires the Task Force to meet quarterly and, in its fourth meeting ~~[,]~~ **in even-numbered years,** present its findings and recommendations to the Legislative Committee on Education. **Section 5** requires the Task Force to: (1) evaluate the challenges in attracting and retaining teachers throughout this State; (2) make recommendations to the Legislative Committee on Education to attract and retain teachers; and (3) submit a report of the findings and recommendations of the Task Force to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. **Section 4** of this bill establishes certain requirements for membership on the Task Force. **Section 5.5 of this bill makes an appropriation.**

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 5, inclusive, of this act, "Task Force" means the Nevada State Teacher Recruitment and Retention Advisory Task Force created by section 3 of this act.***

Sec. 3. ***1. There is hereby created the Nevada State Teacher Recruitment and Retention Advisory Task Force consisting of the following members:***

(a) One licensed teacher employed by each school district located in a county whose population is less than 100,000, appointed by the Legislative Committee on Education;

(b) Two licensed teachers employed by each school district located in a county whose population is 100,000 or more but less than 700,000, appointed by the Legislative Committee on Education; and

(c) Three licensed teachers employed by each school district located in a county whose population is 700,000 or more, appointed by the Legislative Committee on Education.

2. After the initial terms, each member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term following his or her initial term. If any member of the Task Force ceases to be qualified

for the position to which he or she was appointed, the position shall be deemed vacant and the Legislative Committee on Education shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least quarterly and may meet at other times upon the call of the Chair or a majority of the members of the Task Force. In even-numbered years, the Task Force shall have three meetings before the final meeting of the Legislative Committee on Education. In even-numbered years, the fourth meeting of the Task Force must be a presentation to the Legislative Committee on Education of the findings and recommendations of the Task Force made pursuant to section 5 of this act.

5. Ten members of the Task Force constitute a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

8. The Department shall provide administrative support to the Task Force.

Sec. 4. ***1. Each member of the Task Force must:***

(a) Be a licensed teacher with at least 5 consecutive years of experience teaching in a public school in this State;

(b) Be currently employed as a teacher and actively teaching in a public school in this State, and remain employed as a teacher in a public school in this State for the duration of the member's term; and

(c) Not be currently serving on any other education-related board, commission, council, task force or similar governmental entity.

2. On or before December 1, 2019, the Department shall prescribe a uniform application for a teacher to use to apply to serve on the Task Force.

3. A teacher who wishes to serve on the Task Force must submit an application prescribed pursuant to subsection 2 to the Legislative Committee on Education on or before January 15 of an even-numbered year. On or before February 1 of each even-numbered year, the Legislative Committee

on Education shall select one or more teachers, as applicable, to serve as a member of the Task Force.

Sec. 5. ***The Task Force shall:***

1. Evaluate the challenges in attracting and retaining teachers throughout this State;

2. Make recommendations to the Legislative Committee on Education to address the challenges in attracting and retaining teachers throughout this State, including, without limitation, providing incentives to attract and retain teachers; and

3. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature describing the findings and recommendations of the Task Force.

Sec. 5.5. **1. There is hereby appropriated from the State General Fund to the Department of Education for per diem allowance and travel expenses for members of the Nevada State Teacher Recruitment and Retention Advisory Task Force created by section 3 of this act the following sums:**

For the Fiscal Year 2019-2020 .... $7,692

For the Fiscal Year 2020-2021 .... $7,692

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 309.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 958.

SUMMARY—Makes various changes relating to ~~[education.]~~ **state financial administration.** (BDR 34-886)

AN ACT relating to ~~[education;]~~ **state financial administration;** expressing the intent of the Legislature to account for all state financial aid to public schools in the State Distributive School Account; revising the formula for calculating the basic support guarantee**; requiring each school district to reserve a certain amount of money necessary to carry out increases in the salaries of employees negotiated with an employee organization; authorizing the imposition and providing for the administration of a new sales and use tax for the benefit of counties and school districts; authorizing counties and school districts to use the proceeds of the tax for certain purposes; providing a temporary waiver from certain requirements governing expenditures for textbooks, instructional supplies, instructional software and instructional hardware by school districts; authorizing the Legislative Commission to request an allocation from the Contingency Account in the State General Fund for the costs of a special audit or investigation of the school districts of this State; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law declares that "the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity." (NRS 387.121) To accomplish this objective, the Legislature establishes, during each legislative session and for each school year of the biennium, an estimated statewide average basic support guarantee per pupil. (NRS 387.122) This is the per pupil amount that is "guaranteed" on a statewide basis through a combination of state money and certain local revenues. The basic support guarantee for each school district is computed by multiplying the basic support guarantee per pupil that is established by law for the school district for each school year by pupil enrollment. (NRS 387.121-387.1223) In addition to the basic support guarantee per pupil, state financial aid to public education is provided through various programs, commonly known as "categorical funding," that target specific purposes or populations of pupils for additional support. Such programs include, without limitation, the Account for the New Nevada Education Funding Plan, Zoom schools and Victory schools. (NRS 387.129-387.139; section 1 of chapter 544, Statutes of Nevada 2017, p. 3768; section 2 of chapter 389, Statutes of Nevada 2015, p. 2199)

Section 1 of this bill declares the intent of the Legislature, commencing with Fiscal Year 2019-2020, to account for all state **and local** financial aid to public schools ~~[in the State Distributive School Account in the State General Fund. Section 2 of this bill revises the formula for calculating the basic support guarantee to account for money in the State Distributive School Account which is apportioned by the Legislature for a specific purpose or to support a specific program.]~~ **and express the total per pupil support for public schools.**

Existing law requires the board of trustees of each school district to establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators. Existing law authorizes such a program to include professional development. (NRS 391A.450) Section 3 of this bill requires a school district that negotiates with an employee organization to increase the salaries of teachers and classified employees in a fiscal year to reserve for that fiscal year an amount of money sufficient to provide the agreed-upon increase in the salaries of licensed teachers and classified employees prescribed in such a program. Section 16 of this bill clarifies the manner in which the provisions of this bill apply to any existing contracts.

Existing law authorizes the board of county commissioners of certain counties to impose a sales and use tax for deposit in the county school district's fund for capital projects. (NRS 377C.100) Section 5 of this bill authorizes the board of county commissioners of each county to impose, by two-thirds vote of the board or by a majority vote of the people at a primary, general or special election, a new sales and use tax at the rate of one-quarter of 1 percent of the gross receipts of retailers. Section 6 of this bill requires the proceeds of the tax to be deposited with the county treasurer. Section 8 of this bill authorizes the proceeds of the tax to be used to pay the cost of: (1) one or more programs of early childhood education; (2) one or more programs of adult education; (3) one or more programs to reduce truancy; (4) one or more programs to reduce homelessness; (5) certain matters relating to affordable housing; and (6) incentives for the recruitment or retention of licensed teachers for high-vacancy schools. Sections 5-12 of this bill require the administration of any new sales and use tax in the same manner as the sales and use tax imposed by the Local School Support Tax Law, as set forth in chapter 374 of NRS.

Section 13 of this bill makes an appropriation for a block grant to each school district and charter school for certain purposes.

Existing law requires the Department of Education to determine the amount of money that each school district, charter school and university school for profoundly gifted pupils is required to expend during each fiscal year on textbooks, instructional supplies, instructional software and instructional hardware. (NRS 387.206) Existing law also authorizes the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils that is experiencing an economic hardship to submit a request to the Department for a waiver of all or a portion of the minimum expenditure requirements. (NRS 387.2065) Section 14 of this bill provides a temporary waiver for the 2019-2021 biennium from these requirements without requiring the school districts, charter schools or university schools for profoundly gifted pupils to submit a request for such a waiver.

Existing law authorizes the Legislative Commission to direct the Legislative Auditor to make any special audit or investigation that in its judgment is proper and necessary to assist the Legislature in the proper discharge of its duties. (NRS 218G.120) Section 15 of this bill authorizes the Legislative Commission to request an allocation from the Contingency Account in the State General Fund to pay the costs of the Legislative Auditor to conduct a special audit or investigation of the school districts of this State.

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

Section 1. NRS 387.121 is hereby amended to read as follows:

387.121 1. The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore, the quintessence of the State's financial obligation for such programs can be expressed in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. This formula is designated the Nevada Plan.

2. It is the intent of the Legislature, commencing with Fiscal Year 2016-2017, to provide additional resources to the Nevada Plan expressed as a multiplier of the basic support guarantee to meet the unique needs of certain categories of pupils, including, without limitation, pupils with disabilities, pupils who are English learners, pupils who are at risk and gifted and talented pupils. As used in this subsection, "pupils who are at risk" means pupils who are eligible for free or reduced-price lunch pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative measure prescribed by the State Board of Education.

3. It is the intent of the Legislature, commencing with Fiscal Year 2019-2020, to promote transparency and accountability in state funding for public education by accounting for all state financial aid to public schools ~~***[,]***~~ ***and projected local financial aid to public schools, both on a per pupil basis and on a per program basis,*** ~~***[in the State Distributive School Account in the State General Fund.]***~~ ***and expressing the total per pupil amount of all such support.***

Sec. 2. ~~[NRS 387.122 is hereby amended to read as follows:~~

~~387.122 1. For making the apportionments of the State Distributive School Account in the State General Fund required by the provisions of this~~

title, the basic support guarantee per pupil for each school district is established by law for each school year. The formula for calculating the basic support guarantee may be expressed as an estimated weighted average per pupil, based on the total expenditures for public education in the immediately preceding even-numbered fiscal year, plus any legislative appropriations for the immediately succeeding biennium, minus those local funds not guaranteed by the State pursuant to NRS 387.163 **[.]** ***and any money that the Legislature directs to be apportioned from the State Distributive School Account for a specific purpose or to support a specific program.***

2. The estimated weighted average per pupil for the State must be calculated as a basic support guarantee for each school district through an equity allocation model that incorporates:

(a) Factors relating to wealth in the school district;

(b) Salary costs;

(c) Transportation; and

(d) Any other factor determined by the Superintendent of Public Instruction after consultation with the school districts and the State Public Charter School Authority.

3. The basic support guarantee per pupil must include a statewide multiplier for pupils with disabilities. Except as otherwise provided in this section, the funding provided to each school district and charter school through the multiplier for pupils with disabilities is limited to the actual number of pupils with disabilities enrolled in the school district or charter school, not to exceed 13 percent of total pupil enrollment for the school district or charter school.

4. Except as otherwise provided in this subsection, if a school district or charter school has reported an enrollment of pupils with disabilities equal to more than 13 percent of total pupil enrollment, the school district or charter school must receive, for each such additional pupil, an amount of money equal to one-half of the statewide multiplier then in effect for pupils with disabilities. An apportionment made to a school district or charter school pursuant to this subsection is subject to change from year to year in accordance with the number of pupils with disabilities enrolled in the school district or charter school. If the money available for apportionment pursuant to this subsection is insufficient to make the apportionment otherwise required by this subsection, the Superintendent of Public Instruction shall proportionately reduce the amount so apportioned to each school district and charter school. The Department shall account separately for any money apportioned pursuant to this subsection.

5. Not later than July 1 of each even-numbered year, the Superintendent of Public Instruction shall review and, if necessary, revise the factors used for the equity allocation model adopted for the previous biennium and present the review and any revisions at a meeting of the Legislative Committee on Education for consideration and recommendations by the Committee. After the meeting, the Superintendent of Public Instruction shall consider any

~~recommendations of the Legislative Committee on Education, determine whether to include those recommendations in the equity allocation model and adopt the model. The Superintendent of Public Instruction shall submit the equity allocation model to the:~~

~~(a) Governor for inclusion in the proposed executive budget.~~

~~(b) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.~~

~~6. The Department shall make available updated information regarding the equity allocation model on the Internet website maintained by the Department.]~~ **(Deleted by amendment.)**

Sec. 3. **Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If a school district negotiates with an employee organization pursuant to NRS 288.150 to increase the salary of employees for a fiscal year, the board of trustees of the school district shall reserve for that fiscal year an amount of money sufficient, when combined with any appropriation for that purpose and any money remaining in the account established pursuant to subsection 2, to carry out each such increase in the salary of an employee.

2. Except as otherwise provided in subsection 3, the money reserved by a board of trustees pursuant to subsection 1 and any money provided by appropriation to increase the salary of an employee of the school district who is subject to a negotiated increase in salary described in subsection 1 must be:

(a) Accounted for separately by the school district.

(b) Used only to pay an increase in salaries in accordance with subsection 1.

3. Any money reserved pursuant to subsection 1 for a fiscal year that remains in the account established pursuant to subsection 2 at the end of that fiscal year does not revert to the general fund of the school district, but must be carried forward to the next fiscal year and used only for the purpose of paying an increase in salaries negotiated between a school district and an employee organization pursuant to NRS 288.150 in subsequent fiscal years.

4. Any money reserved pursuant to subsection 1 must not be subtracted from the operating expenses of the school district for purposes of determining the budget of the school district for any other fiscal year.

Sec. 4. **Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 5 to 8, inclusive, of this act.**

Sec. 5. ***1. The board of county commissioners of each county may enact an ordinance imposing a tax at the rate of one-quarter of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county. An ordinance adopted pursuant to this section must be approved by:***

(a) A two-thirds majority of the members of the board of county commissioners; or

(b) A majority of the registered voters of the county voting on the question at a primary, general or special election.

2. Any tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

3. An ordinance enacted pursuant to this section must include provisions in substance as follows:

(a) Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

(b) A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.

(c) A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county.

(d) A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in the county of, tangible personal property used for the performance of a written contract:

(1) Entered into on or before the effective date of the tax; or

(2) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax if the bid was afterward accepted,

➥ if, under the terms of the contract or bid, the contract price or bid amount cannot be adjusted to reflect the imposition of the tax.

(e) A provision that specifies the date on which the tax must first be imposed, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.

Sec. 6. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid pursuant to this chapter must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments in the State Treasury to the credit of the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:

(a) Transfer from the Sales and Use Tax Account 1.75 percent of all fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month to the appropriate account in the State General Fund as compensation to the State for the cost of collecting the tax.

(b) Determine for each county an amount of money equal to any fees, taxes, interest and penalties collected in or for that county pursuant to this chapter during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).

(c) Transfer the amount determined for each county to the Intergovernmental Fund and remit the money to the county treasurer to be held and expended for the purposes identified in section 8 of this act.

Sec. 7. The Department may redistribute any proceeds from any tax, interest or penalty collected pursuant to this chapter which is determined to be improperly distributed, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.

Sec. 8. 1. The money received from any tax imposed pursuant to section 5 of this act and any applicable penalty or interest must be retained by the county, or remitted to a city or school district in the county, and must only be used to pay the cost of:

(a) One or more programs of early childhood education operated by the county school district or any public school in the county school district;

(b) One or more programs of adult education operated by the county school district or any public school in the county school district;

(c) One or more programs to reduce truancy;

(d) One or more programs to reduce homelessness;

(e) The development or redevelopment of affordable housing or ensuring the availability or affordability of housing, including, without limitation, any infrastructure or services to support the development or redevelopment of affordable housing; and

(f) Incentives for the recruitment or retention of licensed teachers for high-vacancy schools in the county school district.

2. If a public school ceases to be a high-vacancy school, the county school district in which the public school is located:

(a) May continue to use the money received by the county school district from any tax imposed pursuant to section 5 of this act to pay incentives to licensed teachers at the public school pursuant to paragraph (f) of subsection 1 for the remainder of the school year in which the public school ceased to be a high-vacancy school; and

(b) Shall not use the money received by the county school district from any tax imposed pursuant to section 5 of this act to pay incentives to licensed teachers at the public school pursuant to paragraph (f) of subsection 1 for any subsequent school year unless the public school newly qualifies as a high-vacancy school.

3. A county that receives money from a tax imposed pursuant to section 5 of this act, and any city or school district to which the money is remitted, must account separately for all such money. On or before November 1 of each year, each such county, city or school district shall prepare a report detailing how all money received from a tax imposed pursuant to section 5 of this act was spent during the immediately preceding fiscal year and submit the report to the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, if the report is submitted in an even-

numbered year, or to the Legislative Commission, if the report is submitted in an odd-numbered year.

4. As used in this section, "high-vacancy school" means a public school, other than a charter school, in which 10 percent or more of the classroom teacher positions at the public school are:

(a) Vacant for 20 consecutive days or more; or

(b) Filled by a substitute teacher for 20 consecutive days or more in the same classroom or assignment.

Sec. 9. **NRS 360.2937 is hereby amended to read as follows:**

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A or 377C of NRS, ***or sections 5 to 8, inclusive, of this act,*** any of the taxes provided for in NRS 372A.290, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 10. **NRS 360.300 is hereby amended to read as follows:**

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 363C, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS, ***or sections 5 to 8, inclusive, of this act,*** as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 11. **NRS 360.417 is hereby amended to read as follows:**

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A, 377C, 444A or 585 of NRS, ***or sections 5 to 8, inclusive, of this act,*** any of the taxes provided for in NRS 372A.290, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 12. **NRS 360.510 is hereby amended to read as follows:**

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

➥ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case of any state officer, department or agency, the notice must be given to the

officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, chapter 360B, 362, 363A, 363B, 363C, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS ***or sections 5 to 8, inclusive, of this act,*** from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 13. **1. The Department of Education shall transfer the sums of money identified in this subsection from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247**

to school districts and the State Public Charter School Authority for block grants for the purposes described in subsection 2. The money must not be used for administrative expenditures of the Department of Education. The amount to be transferred for the fiscal year shown is:

	2019-2020	2020-2021
Carson City School District	$321,107	$321,107
Churchill County School District	129,882	129,882
Clark County School District	13,164,542	13,164,542
Douglas County School District	233,145	233,145
Elko County School District	393,004	393,004
Esmeralda County School District	2,822	2,822
Eureka County School District	10,870	10,870
Humboldt County School District	138,896	138,896
Lander County School District	40,094	40,094
Lincoln County School District	38,911	38,911
Lyon County School District	346,687	346,687
Mineral County School District	21,795	21,795
Nye County School District	208,922	208,922
Pershing County School District	27,070	27,070
Storey County School District	17,403	17,403
Washoe County School District	2,691,893	2,691,893
White Pine County School District	49,030	49,030
State Public Charter School Authority	1,471,904	1,471,904

2. The money received by each school district and the State Public Charter School Authority pursuant to subsection 1 may be used for any of the following purposes:

(a) Providing incentives for new teachers;

(b) Carrying out any of the purposes for which a school district or charter school may apply for a grant from the Nevada Ready 21 Technology Program created by NRS 388.810;

(c) Carrying out any of the purposes for which a school district or charter school may apply for a grant from the Great Teaching and Leading Fund created by NRS 391A.500;

(d) Carrying out any program to provide assistance to teachers in meeting the standards for effective teaching, including, without limitation, through peer assistance and review;

(e) Purchasing library books;

(f) Supporting pupil career and technical organizations; and

(g) If the school district or charter school determines that the money received pursuant to subsection 1 would best be put to use by doing so, supporting the operations of the school district or charter school.

3. The money received by each school district and the State Public Charter School Authority pursuant to subsection 1:

(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(b) May not be used to adjust the district-wide schedule of salaries and benefits of the employees of a school district or the school-wide schedule of salaries and benefits of the employees of a charter school.

(c) Must not be budgeted by a school district or charter school in a manner that creates any obligation or deficit for funding in any fiscal year after the fiscal years for which the money was received.

4. The money transferred pursuant to subsection 1 must be accounted for separately by each school district and the State Public Charter School Authority. On or before November 1 of each year, each school district and the State Public Charter School Authority shall prepare a report detailing how all money received pursuant to subsection 1 was spent during the immediately preceding fiscal year and submit the report to the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, if the report is submitted in an even-numbered year, or to the Legislative Commission, if the report is submitted in an odd-numbered year.

5. The money transferred pursuant to subsection 1 must be expended in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

6. Any remaining balance of the transfer made by subsection 1 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfer made by subsection 1 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must be used for the purposes identified in subsection 2 and does not revert to the State General Fund.

Sec. 14. **1. Notwithstanding the provisions of NRS 387.206 to 387.207, inclusive, to the contrary for the 2019-2021 biennium:**

(a) The Department of Education is not required to comply with the provisions of NRS 387.206 to 387.2067, inclusive.

(b) Each school district, charter school and university school for profoundly gifted pupils is not required to comply with the provisions governing the minimum amount of money that must be expended for each fiscal year in that biennium for textbooks, instructional supplies, instructional software and instructional hardware as prescribed pursuant to NRS 387.206 and is not required to submit a request for a waiver pursuant to NRS 387.2065. The:

(1) Requirement to provide a written accounting of the use of the money as set forth in subsection 1 of NRS 387.2067; and

(2) Restrictions on the use of the money that would have otherwise been expended by the school district, charter school or university school for profoundly gifted pupils to meet the requirements of NRS 387.206 as set forth in subsection 3 of NRS 387.2067,

➥ apply during this period.

(c) Each school district is not required to comply with the provisions governing the minimum amount of money that must be expended for each school year in that biennium for library books, software for computers, the purchase of equipment relating to instruction and the maintenance and repair of equipment, vehicles, and buildings and facilities as prescribed pursuant to NRS 387.207.

2. If, before July 1, 2019, the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils submitted a request for a waiver pursuant to NRS 387.2065 for a fiscal year during the 2019-2021 biennium, the Department of Education shall return the request to the applicant.

Sec. 15. **1. Notwithstanding the provisions of NRS 353.266, 353.268 and 353.269, if the Legislative Commission directs the Legislative Auditor to make a special audit or investigation of the 17 school districts pursuant to NRS 218G.120, the Interim Finance Committee may make an allocation from the Contingency Account in the State General Fund to cover the costs of the special audit or investigation.**

2. Such a special audit or investigation may include, without limitation, for each school district in this State, an examination and analysis of:

(a) The distribution of federal, state and local money to the school district and whether the methods of distribution ensure intradistrict equity.

(b) Internal controls and compliance with laws, contracts and grant agreements in the following areas:

(1) Human resources;

(2) Fiscal operations relating to expenditures and distributions;

(3) The salaries of teachers and other licensed educational personnel;

(4) Per pupil spending; and

(5) Fiscal monitoring.

3. The Superintendent of Public Instruction, the board of trustees of each school district and the superintendent of schools of each school district shall provide such information as is required by the Legislative Auditor to assist with the completion of such a special audit or investigation.

4. If such a special audit or investigation is directed by the Legislative Commission pursuant to NRS 218G.120, the Legislative Auditor shall, on or before January 31, 2021, prepare and present a final written report of

<u>the audit to the Audit Subcommittee of the Legislative Commission created by NRS 218E.240.</u>

Sec. 16. **<u>The provisions of section 3 of this act apply to any contract existing on July 1, 2019, to the extent that the provisions of section 3 of this act do not conflict with the terms of such a contract and to the extent that a conflict exists, the provisions of the contract control.</u>**

Sec. 17. **<u>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.</u>**

~~[Sec. 3.]~~ ***Sec. 18.*** This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 981.

SUMMARY— ~~[Establishes provisions relating]~~ **<u>Makes an appropriation to the Eighth Judicial District</u>** to **<u>support the operation of</u>** juvenile assessment centers. (BDR ~~[5-713)]~~ **<u>S-713)</u>**

AN ACT ~~[relating to juveniles; establishing provisions relating to juvenile assessment centers;]~~ making an appropriation ~~[;]~~ **<u>to the Eighth Judicial District to support the operation of juvenile assessment centers;</u>** and providing other matters properly relating thereto.

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

Section 1. ~~[Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. To provide the requisite level of comprehensive support services to pupils in a school district who have been screened and identified as having had an adverse childhood experience that warrants the need for such services, a juvenile assessment center shall, subject to available appropriations:***~~

~~***(a) Provide such a pupil who is referred to the juvenile assessment center with intense, regular multidisciplinary intervention services to assist in managing or eradicating the barriers that impede the academic progress of the pupil;***~~

~~***(b) Provide weekly updates regarding the progress of the pupil to the designated liaison of the school district and, if necessary, coordinate any additional services needed to support the pupil; and***~~

~~***(c) Coordinate funding for and the oversight of regional multidisciplinary teams that provide support services directly to pupils at schools throughout this State.***~~

~~***2. As used in this section:***~~

~~***(a) "Adverse childhood experience" means a stressful or traumatic event that a child experiences, including, without limitation:***~~

~~***(1) Being a victim of physical, sexual or emotional abuse or physical or emotional neglect.***~~

~~***(2) Witnessing physical, sexual or emotional abuse, physical or emotional neglect, domestic violence, substance abuse, mental illness, the incarceration of a family member or parental separation or divorce.***~~

~~***(b) "Juvenile assessment center" means a facility that provides assessments of children for the purpose of determining the needs of a particular child and coordinating appropriate support services to address those needs. The term includes, without limitation, the facility in Clark County known as The Harbor.]***~~ **(Deleted by amendment.)**

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Eighth Judicial District of the State of Nevada the sum of ~~[$16,000,000]~~ **$3,000,000** for:

(a) The ~~[establishment of four additional]~~ **operation of each** juvenile assessment ~~[centers]~~ **center** in the District;

(b) The funding of proper mental health professional staff required at each juvenile assessment center in the District;

(c) The funding of any portion of support services provided by a juvenile assessment center that is not covered by Medicaid, excluding any services relating to substance abuse; and

(d) The funding of regional multidisciplinary prevention teams to provide support services directly to pupils in need of such services at schools throughout the District.

2. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the purposes set forth in subsection 1.

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

4. As used in this section, "juvenile assessment center" ~~[has the meaning ascribed to it in section 1 of this act.]~~ **means a facility that provides assessments of children for the purpose of determining the needs of a particular child and coordinating appropriate support services to address**

<u>those needs. The term includes, without limitation, the facility in Clark County known as The Harbor.</u>

Sec. 3. This act becomes effective ~~[on July 1, 2019.]~~ **<u>upon passage and approval.</u>**

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 331.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 956.

AN ACT relating to pupils; creating the Outdoor Education and Recreation Grant Program; requiring the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to develop and administer the Grant Program; requiring the Administrator to adopt regulations; requiring the Administrator to appoint an advisory committee; creating the Outdoor Education and Recreation Grant Program Account and the Outdoor Education and Recreation Grant Program Endowment Fund; prescribing the uses of the money in the Account and in the Fund; **<u>making an appropriation;</u>** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Outdoor Education and Recreation Grant Program. **Section 3** of this bill requires the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources, within the limits of available resources, to develop and administer a program to award grants to public and private entities to conduct outdoor education and recreation programs for pupils in this State. Those programs must: (1) enable the pupils to experience directly the natural world; (2) integrate that experience with exposure to matters concerning the environment, agriculture or natural resources or other related matters; (3) be designed to improve the pupils' overall academic performance and other personal attributes; and (4) be primarily focused on pupils who are from economically disadvantaged backgrounds or at risk of failing academically or dropping out of school. **Section 3** also requires the Administrator to adopt regulations prescribing the criteria for eligibility, the procedures for the submission and review of applications and the substantive priorities for programs to be selected to receive money from the Grant Program. **Section 4** of this bill requires the Administrator to establish an advisory committee to assist in the development and administration of the Grant Program. **Section 5** of this bill creates the Outdoor Education and Recreation Grant Program Account and requires the Administrator to deposit in the Account any appropriation, gift, grant, bequest or donation of money received for the use of the Grant Program. **Section 6** of

this bill creates the Outdoor Education and Recreation Grant Program Endowment Fund to receive any contribution to the Fund. **Section 6** also requires the principal of the Fund to remain intact and allows only the interest and income earned on the principal to be used to carry out the Grant Program. **Section 7 of this bill makes an appropriation to the Division for the personnel and operating costs of the Grant Program.**

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

Section 1. Chapter 407 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, "Grant Program" means the Outdoor Education and Recreation Grant Program created by section 3 of this act.***

Sec. 3. ***1. The Outdoor Education and Recreation Grant Program is hereby created for the purpose of awarding grants to eligible public agencies, private nonprofit organizations and other community-based entities to conduct outdoor education and recreation programs for pupils in this State. Such an outdoor education and recreation program must:***

(a) Provide the pupils with high-quality opportunities to directly experience the natural world;

(b) Integrate that experience with exposure to matters concerning the environment, agriculture, natural resources or other related matters;

(c) Be designed to improve the overall academic performance, self-esteem, personal responsibility, community involvement, personal health or understanding of nature of pupils; and

(d) Be primarily focused on pupils who are:

(1) From economically disadvantaged backgrounds, as measured by their eligibility for free or reduced-price meals pursuant to 42 U.S.C. §§ 1751 et seq. or an alternative measure prescribed by the State Board of Education;

(2) Most likely to fail academically; or

(3) Appear to have the greatest potential to drop out of school.

2. The Administrator shall, within the limits of available resources, develop and administer the Grant Program and adopt regulations for its governance. The regulations must prescribe, without limitation:

(a) The criteria for eligibility to receive money from the Grant Program;

(b) Procedures for the submission and review of applications to receive money from the Grant Program;

(c) Priorities for program selection that take into account, without limitation, the extent to which a program:

(1) Contributes to the reduction of academic failure and dropout rates;

(2) Uses a curriculum that is research-based and effective;

(3) Contributes to the healthy lifestyles of pupils through outdoor recreation and sound nutrition;

(4) Makes use of state parks as venues and the personnel of the Department as expert resources;

(5) Maximizes the number of pupils that can participate;

(6) Commits to providing matching funds and in-kind resources;

(7) Creates partnerships with other public or private entities;

(8) Provides participating pupils with opportunities to directly experience and understand nature and the natural world; and

(9) Includes ongoing evaluation, assessment, and reporting of the effectiveness of the program.

3. As used in this section, "public agency" has the meaning ascribed to it in NRS 277.100.

Sec. 4. *1. The Administrator shall, by regulation, establish an advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. The regulations must specify:*

(a) The membership of the committee;

(b) The duties of the committee;

(c) The terms of members of the committee; and

(d) The rules for the governance of the committee.

2. The Administrator shall appoint members to the advisory committee who have knowledge and experience in outdoor education and recreation and matters concerning the environment, agriculture, natural resources or other related matters relevant to the purposes of the Grant Program. The advisory committee must include, without limitation, members from:

(a) Agencies of state and local government;

(b) Public schools, private schools, charter schools and school districts;

(c) Private nonprofit organizations and community-based programs; and

(d) The business community.

3. In addition to the membership prescribed by subsection 2, the Administrator shall appoint to the advisory committee a person who was or is a pupil in this State and participated in an outdoor education and recreation program that was funded by a grant awarded pursuant to section 3 of this act or, if no such person is available to serve, a person who represents pupils in this State and has knowledge and experience in outdoor education and recreation programs.

4. To the extent that money is available for that purpose, each member of the advisory committee who is not an officer or employee of the State of Nevada is entitled to receive a salary of not more than $80 per day, fixed by the Administrator, for each day or portion of a day spent on the business of the advisory committee. Each member of the advisory committee who is an officer or employee of the State of Nevada serves without additional compensation. To the extent that money is available for that purpose, each member of the advisory committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. Each member of the advisory committee who is an officer or employee of the State of Nevada or a local government must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the advisory committee and perform any work necessary to carry out the duties of the advisory committee in the most timely manner practicable. A state agency or local governmental entity may not require an employee who is a member of the advisory committee to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the advisory committee.

Sec. 5. *1. The Outdoor Education and Recreation Grant Program Account is hereby created in the State General Fund.*

2. The Administrator shall administer the Account.

3. In addition to any direct legislative appropriation, the Administrator may apply for and accept any gift, grant, bequest, donation or other source of money. Except as otherwise provided in section 6 of this act, any money so received must be deposited in the Account.

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

5. The money in the Account must be used to carry out the Grant Program.

6. Claims against the Account must be paid as other claims against the State are paid.

7. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 6. *1. The Outdoor Education and Recreation Grant Program Endowment Fund is hereby created as a trust fund in the State Treasury.*

2. The Administrator shall administer the Fund.

3. The State Treasurer shall deposit in the Fund:

(a) Any money that the State Treasurer receives from a person who wishes to contribute to the Fund; and

(b) Any interest or income earned on money in the Fund.

4. The money that represents the principal of the Fund must not be spent for any purpose. The money that represents the interest or income earned may be spent or transferred to the Outdoor Education and Recreation Grant Program Account created by section 5 of this act and must be used to carry out the Grant Program.

5. Claims against the Fund must be paid as other claims against the State are paid.

Sec. 7. **1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources for the personnel and operating costs of the Outdoor Education and Recreation Grant Program created by section 3 of this act the following sums:**

For the Fiscal Year 2019-2020.. $99,135
For the Fiscal Year 2020-2021.. $96,659

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

~~[Sec. 7.]~~ ***Sec. 8.*** This act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 338.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 975.

AN ACT relating to motor vehicles; authorizing completion of a hands-on defensive driving course in lieu of certain supervised driving experience for any applicant for a driver's license who is under 18 years of age; requiring the Department of Motor Vehicles to approve and maintain a list of such courses; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the issuance of a driver's license to a person who is 16 or 17 years of age under certain circumstances, including, with certain exceptions, completion by the person of a course in automobile driver education or a course provided by a school for training drivers that is licensed in this State. Such a person must also provide proof of at least 50 hours of supervised driving experience. (NRS 483.2521) **Section 3** of this bill allows any person under the age of 18 years to complete an approved hands-on course in defensive driving in lieu of completing 50 hours of supervised driving experience to obtain a driver's license. **Section 2** of this bill requires the Department of Motor Vehicles to approve for the purposes of this provision any hands-on defensive driving course that: (1) includes both theory of defensive driving and practical experience in defensive driving skills and maneuvers; (2) is provided by a school for training drivers that is licensed in this State; and (3) is conducted by a person who is licensed in this State as an

instructor for a school for training drivers. **Section 2** also requires the Department to place a list of approved courses on the Internet website of the Department. **Sections 6-10** of this bill make conforming changes. **Section 10.7 of this bill makes an appropriation to the Department for the personnel and operating costs to approve and audit the hands-on courses in defensive driving.**

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall approve a hands-on course in defensive driving for the purposes of NRS 483.2521 if the course:

(a) Includes instruction in the theory and practical applications of defensive driving;

(b) Requires a person taking the course to practice defensive driving skills and maneuvers, including, without limitation, emergency avoidance and response techniques;

(c) Is provided by a school for training drivers that meets the requirements of this section and NRS 483.700 to 483.780, inclusive; and

(d) Is conducted by a person who holds a license as an instructor for a school for training drivers and who meets the requirements of this section and NRS 483.700 to 483.780, inclusive.

2. The Department shall maintain on the Internet website of the Department a list of hands-on courses in defensive driving that are approved pursuant to this section. The list must identify those courses which are provided for free. In the event that no such free courses are available, the Internet website must provide notice of that fact.

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

Sec. 3. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, ***and section 2 of this act*** and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) ~~[Has]~~ ***Except as otherwise provided in subsection 3, has*** at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to

NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) [Submits] ***Except as otherwise provided in subsection 3, submits*** to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➥ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) *[,]* and (b) ; ***[and (c);]***

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. ***In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver's license may provide to the Department proof that the person has successfully completed [a] :***

(a) The training required pursuant to paragraph (a) of subsection 1; and

(b) A hands-on course in defensive driving that has been approved by the Department pursuant to section 2 of this act.

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder

of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection [~~4,~~] ***5,*** complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

[~~4.~~] ***5.*** If a course described in paragraph (a) of subsection [~~3~~] ***4*** is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection [~~3.~~] ***4.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 483.700 is hereby amended to read as follows:

483.700 No person may operate a school for training drivers, or engage in the business of giving instruction for hire in driving motor vehicles or in the preparation of an applicant for an examination given by the Department for a driver's license, unless the person has secured a license therefor from the Department as provided in NRS 483.700 to 483.780, inclusive [~~.~~] ***, and section 2 of this act.***

Sec. 7. NRS 483.725 is hereby amended to read as follows:

483.725 1. [~~Each~~] ***Except as otherwise provided in section 2 of this act, each*** course of training provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, ***and section 2 of this act*** must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.

2. If a course of training provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, ***and section 2 of this act*** consists in whole or in part of classroom instruction, that part of the course which consists of classroom instruction may be taught interactively through the use of communications technology so that persons taking the course need not be physically present in a classroom.

3. The Department shall adopt regulations to carry out the provisions of subsection 2. The regulations must include, without limitation:

(a) Provisions for the licensing and operation of interactive courses that use communications technology;

(b) Provisions to ensure that interactive courses which use communications technology are secure, reliable and include measures for testing and security that are at least as secure as the measures for testing and security which would be available in an ordinary classroom; and

(c) Standards to ensure that interactive courses which use communications technology offer a curriculum that is at least as stringent as the curriculum which would be available in an ordinary classroom.

4. As used in this section, "communications technology" means any method or component, or both, that is used by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, ***and section 2 of this act*** to carry out or facilitate the transmission of information, including, without limitation, the transmission and reception of information by:

(a) Systems based on the following technologies:

(1) Video;

(2) Wire;

(3) Cable;

(4) Radio;

(5) Microwave;

(6) Light; or

(7) Optics; and

(b) Computer data networks, including, without limitation, the Internet or its successor, if any, and intranet services.

Sec. 8. NRS 483.760 is hereby amended to read as follows:

483.760 The Department may refuse to issue a license or may cancel, suspend, revoke or refuse to renew any license granted pursuant to NRS 483.700 to 483.780, inclusive [:] ***, and section 2 of this act:***

1. If the applicant or licensee makes a material misstatement on an application.

2. If the applicant or licensee fails or refuses to provide any information requested by the Department in conjunction with an application.

3. If the applicant has been convicted of a crime for a violation of any of the provisions of NRS 483.700 to 483.780, inclusive [.] ***, and section 2 of this act.***

4. If the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the Department or induces or countenances fraud or fraudulent practices on the part of any applicant for driver's license.

5. If the licensee fails to comply with or is convicted of a crime for a violation of any of the provisions of NRS 483.700 to 483.780, inclusive, ***and section 2 of this act*** or any of the regulations or requirements of the Department made pursuant thereto.

6. If the licensee or any employee or agent of the licensee solicits persons for enrollment in a school for training drivers in an office of the Department or within 200 feet of any such office.

7. If the licensee or any employee or agent of the licensee follows the identical course of training which is used by the Department in giving an examination for a driver's license.

Sec. 9. NRS 483.767 is hereby amended to read as follows:

483.767 1. The Department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of NRS 483.700 to 483.780, inclusive, ***and section 2 of this act*** or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.

3. In addition to any other remedy provided by NRS 483.700 to 483.780, inclusive, ***and section 2 of this act,*** the Department may compel compliance with any provision of NRS 483.700 to 483.780, inclusive, ***and section 2 of this act*** and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 10. NRS 483.780 is hereby amended to read as follows:

483.780 The Department shall charge annually the following fees for licenses issued pursuant to the provisions of NRS 483.700 to 483.780, inclusive **[:]** ***, and section 2 of this act:***

License for a school for training drivers	$50
License for a driving instructor	10
License for a school, an agency or a business that provides an educational course on the abuse of alcohol and controlled substances	250
License for an instructor of an educational course on the abuse of alcohol and controlled substances	50
License for a school for traffic safety	250
License for an instructor of traffic safety	50

Sec. 10.5. NRS 486.071 is hereby amended to read as follows:

486.071 1. Except as otherwise provided in subsection 3 and NRS 486.161, the Department shall not issue a motorcycle driver's license unless the applicant:

(a) Is at least 18 years of age; and

(b) Has successfully completed:

(1) Except as otherwise provided in subsection 2, such written examinations and driving tests as may be required by the Department; or

(2) A course of motorcycle safety approved by the Department.

2. A holder of an instruction permit issued pursuant to subsection 4 or 5 of NRS 483.280 who applies to the Department for a motorcycle driver's license pursuant to subsection 1 is not required to successfully complete the written

examinations required pursuant to subparagraph (1) of paragraph (b) of subsection 1 if the holder of the permit:

(a) Is at least 18 years of age;

(b) Has held the instruction permit for not less than 6 months; and

(c) The instruction permit expired not more than 30 days before the date of application for a motorcycle driver's license.

3. The Department shall not issue a motorcycle driver's license to an applicant who is at least 16 years of age but is less than 18 years of age unless the applicant:

(a) Meets the requirements of subsection ~~[3]~~ ***4*** of NRS 483.2521; and

(b) Has successfully completed such written examinations and driving tests as may be required by the Department.

4. Except as otherwise provided in subsection ~~[3]~~ ***4*** of NRS 483.2521, any person who has been issued a driver's license pursuant to chapter 483 of NRS without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:

(a) A driving test conducted by the Department; or

(b) A course of motorcycle safety approved by the Department,

➥ and have the authority endorsed upon the license.

Sec. 10.7. **1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for the personnel and operating costs to approve hands-on courses in defensive driving pursuant to section 2 of this act and audit those courses the following sums:**

For the Fiscal Year 2019-2020 .... $91,844

For the Fiscal Year 2020-2021 .... $92,099

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 11. The amendatory provisions of sections 3 to 10.5, inclusive, of this act do not apply to a person who applies for a driver's license pursuant to NRS 483.2521 before July 1, 2020.

Sec. 12. ~~[This act becomes]~~ **1. This section and sections 1 to 10.5, inclusive, and 11 of this act become** effective:

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

~~[2.]~~ **(b)** On July 1, 2020, for all other purposes.

2. Section 10.7 of this act becomes effective on July 1, 2019.

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 383.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 973.
SUMMARY— ~~[Revises provisions relating to student education loans.]~~ **Provides for the designation of a Student Loan Ombudsman.** (BDR ~~[55-880)]~~ **18-880)**

AN ACT relating to student education loans; ~~[providing for the licensing and regulation of student loan servicers by the Commissioner of Financial Institutions;]~~ providing for the designation of a Student Loan Ombudsman within the Office of the State Treasurer and prescribing the powers and duties relating to that position; **authorizing the use of certain money to pay the costs of the Student Loan Ombudsman;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the Commissioner of Financial Institutions to supervise and control various financial institutions, lenders and fiduciaries, including, without limitation, banks, credit unions, payday lenders and trust companies. (Chapter 604A of NRS, titles 55 and 56 of NRS) Sections 2-36 of this bill add a new chapter to NRS to provide for the licensing and regulation of student loan servicers by the Commissioner.~~

~~Sections 3-10 of this bill define terms used in the new chapter. In particular, section 6 of this bill defines a "student education loan" as a loan primarily for personal use to finance education or other school-related expenses. Section 7 of this bill defines a "student loan borrower" as a resident of this State who receives or agrees to pay a student education loan, or any person who shares responsibility with such a resident for repaying the student education loan. Section 9 of this bill defines a "student loan servicer" as a person responsible for servicing a student education loan, whether the person is licensed pursuant to the new chapter of NRS or exempt from licensure pursuant to the new chapter of NRS. Section 10 of this bill defines "student loan servicing" or "servicing" as receiving scheduled payments, applying payments to principal and interest and performing certain other administrative tasks with regard to student education loans.~~

~~Sections 11 and 14 of this bill provide for: (1) the Commissioner to designate a Student Loan Ombudsman within the Office of the State Treasurer to assist student loan borrowers; (2) the powers and duties of the Student Loan Ombudsman; and (3) the State Treasurer to report to the Legislature~~

~~concerning the Student Loan Ombudsman and the regulation of student loan servicers. Section 15 of this bill provides for money received pursuant to the new chapter to be accounted for separately and used for the regulation of student loan servicers.~~

~~Sections 16-21, 25 and 34 of this bill set forth requirements relating to the licensing of student loan servicers. In particular, section 16 of this bill prohibits a person from acting as a student loan servicer without obtaining a license from the Commissioner to do so, and also sets forth the persons exempted from this licensure requirement. Section 17 of this bill sets forth various requirements for applying for a license, including, without limitation, the payment of a license fee and an investigation fee. Section 34 of this bill provides that all fees paid are nonrefundable. Section 20.5 of this bill requires the Commissioner to issue a license to persons who engage in student loan servicing in this State pursuant to certain contracts with the federal government without requiring those persons to comply with the standard requirements for the issuance of a license. Section 20.5: (1) requires persons who are issued such a license to comply with other relevant provisions of law; and (2) provides for the expiration of such a license not later than 37 days after the expiration, revocation or termination of the federal contract that provided the basis for the issuance of the license.~~

~~Sections 22-24 and 26-28 of this bill set forth requirements governing the business practices and other actions of student loan servicers. Specifically, section 22 of this bill sets forth requirements applicable to a licensee ceasing to engage in the business of student loan servicing in this State. Section 23 of this bill sets forth requirements applicable to a person who provides a check or other method of payment to the Commissioner which is returned or otherwise dishonored. Section 24 of this bill requires licensees and applicants for licenses to notify the Commissioner of any changes in certain information provided to the Commissioner. Sections 26 and 27 of this bill set forth requirements concerning business names, business locations and recordkeeping relating to student loan servicers and student education loans. Section 28 of this bill prohibits a student loan servicer from engaging in specified conduct, including, without limitation, engaging in unfair or deceptive practices, knowingly misapplying payments, negligently making certain false statements or knowingly and willfully making certain omissions of material facts.~~

~~Sections 29-32 of this bill: (1) authorize the Commissioner to conduct investigations and examinations relating to student loan servicers and student education loans; (2) authorize the Commissioner to retain certain professionals and specialists, enter into certain agreements and use certain resources for the purposes of investigations and examinations; (3) describe the scope of the authority of the Commissioner with regard to investigations and examinations; and (4) prohibit a student loan servicer or other person under examination or investigation from knowingly withholding or otherwise preventing access to information relating to the examination or investigation. Section 12.5 of this bill authorizes the Student Loan Ombudsman designated pursuant to section~~

~~36.6 of this bill or a member of the public to submit a complaint concerning a student loan servicer to the Division of Financial Institutions of the Department of Business and Industry for investigation.~~

~~Section 33 of this bill sets forth grounds upon which the Commissioner may deny an application for a license or suspend, revoke or refuse to renew a license. Section 35 of this bill requires a student loan servicer to comply with certain federal laws and regulations, and deems a violation of those federal laws or regulations to be a violation of Nevada law upon which the Commissioner may act.~~

~~Section 36 of this bill requires the Commissioner to adopt regulations for the new chapter of NRS.~~

~~Sections 36.6-36.9 of this bill provide for: (1)]~~ **Existing law requires the State Treasurer to perform certain duties relating to the financing of higher education. (NRS 353B.090, 353B.320, 353B.350, 396.926) Section 36.6 of this bill requires** the State Treasurer to designate a Student Loan Ombudsman within the Office of the State Treasurer to assist student loan borrowers **.** ~~[; (2) the powers and duties of the Student Loan Ombudsman; and (3)]~~ **Section 36.7 of this bill prescribes the duties of the Student Loan Ombudsman, which include: (1) attempting to resolve complaints from student loan borrowers; (2) assisting student loan borrowers to understand their rights and responsibilities; and (3) reviewing the complete history of the student education loans of a student loan borrower. Section 36.8 of this bill requires the Student Loan Ombudsman to establish and maintain an education course for student loan borrowers which provides educational presentations and materials regarding student education loans. Section 36.9 of this bill requires** the State Treasurer to report to the Legislature concerning the Student Loan Ombudsman and the regulation of student loan servicers.

Existing law requires the State Treasurer to establish an Endowment Account in the State General Fund. Existing law authorizes the State Treasurer to expend the money in the Account for certain purposes relating to higher education and financial education. (NRS 353B.350) Section 37 of this bill authorizes the State Treasurer to expend the money in the Account to carry out the Student Loan Ombudsman Program.

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

Section 1. ~~[Title 55 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 36, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act, have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. "Control person" means:*~~

~~***(a) An executive officer, director, general partner, trustee, member, qualified employee or shareholder of a student loan servicer, licensee or applicant for a license; or***~~

~~***(b) A person who is authorized to participate in direct or indirect control of the management or policies of a student loan servicer, licensee or applicant for a license.***~~

~~***2. As used in this section, "executive officer" means an officer, manager, partner or managing member of a student loan servicer, licensee or applicant for a license. The term includes, without limitation, a chief executive officer, president, vice president, chief financial officer, chief operating officer, chief legal officer, controller or compliance officer or a natural person who holds any similar position.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~***["License" means a license issued by the Commissioner pursuant to this chapter.]***~~ **(Deleted by amendment.)**

Sec. 5. ~~***["Licensee" means a student loan servicer licensed by the Commissioner pursuant to this chapter.]***~~ **(Deleted by amendment.)**

Sec. 6. ~~***["Student education loan" means any loan primarily for personal use to finance education or other school-related expenses.]***~~ **(Deleted by amendment.)**

Sec. 7. ~~***["Student loan borrower" means:***~~

~~***1. Any resident of this State who receives or agrees to pay a student education loan; and***~~

~~***2. Any person who shares responsibility with such a resident for repaying the student education loan.]***~~ **(Deleted by amendment.)**

Sec. 8. (Deleted by amendment.)

Sec. 9. ~~***["Student loan servicer" means any person, wherever located, responsible for the servicing of any student education loan to any student loan borrower. The term includes each licensee and each person who engages in student loan servicing without a license pursuant to subsection 2 of section 16 of this act.]***~~ **(Deleted by amendment.)**

Sec. 10. ~~***["Student loan servicing" or "servicing" means:***~~

~~***1. Receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan or any notification that a student loan borrower made such a scheduled periodic payment and applying the payments to the account of a student loan borrower, as may be required pursuant to the terms of a student education loan or a contract governing the servicing of a student education loan;***~~

~~***2. During a period in which no payment is required on a student education loan, maintaining account records for a student education loan and communicating with the student loan borrower on behalf of the owner of the promissory note for the student education loan; or***~~

~~***3. Interacting with a student loan borrower concerning a student education loan with the goal of helping the student loan borrower avoid default on the student education loan or facilitating the activities described in subsection 1 or 2.]***~~ **(Deleted by amendment.)**

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. **[**~~***1. The Commissioner shall:***~~

~~***(a) Administer and account for separately the money received pursuant to this chapter.***~~

~~***(b) Use the money received pursuant to this chapter for the purposes set forth in this chapter.***~~

~~***2. Any money that remains in the account at the end of the fiscal year does not revert to the State General Fund, and the balance of the account must be carried forward to the next fiscal year.***~~

~~***3. Any interest or income earned on the money in the account must be credited to the account, after deducting any applicable charges. Any claims against the account must be paid as other claims against the State are paid.]***~~ **(Deleted by amendment.)**

Sec. 16. **[**~~***1. Except as otherwise provided in subsection 2, a person shall not act as a student loan servicer, directly or indirectly, without first obtaining a license from the Commissioner pursuant to this chapter.***~~

~~***2. The following persons may act as a student loan servicer without obtaining a license pursuant to this chapter:***~~

~~***(a) Any bank, savings and loan association, savings bank, thrift company or credit union, whether chartered by this State, another state or the Federal Government.***~~

~~***(b) Any wholly owned subsidiary of any person identified in paragraph (a).***~~

~~***(c) Any operating subsidiary of any person identified in paragraph (a) if each owner of the operating subsidiary is wholly owned by the same person identified in paragraph (a).]***~~ **(Deleted by amendment.)**

Sec. 17. **[**~~***A person may apply for a license as a student loan servicer by submitting a written application to the Commissioner on a form prescribed by the Commissioner. The application must be accompanied by:***~~

~~***1. A financial statement prepared by a certified public accountant or a public accountant, the accuracy of which is sworn to under oath before a notary public by the proprietor, a general partner or a corporate officer or a member authorized to execute such documents;***~~

~~***2. Written consent authorizing the Commissioner to conduct a background investigation of the applicant and, if applicable, each control person of the applicant, including, without limitation, authorization to obtain:***~~

~~***(a) An independent credit report from a consumer reporting agency described in section 603(f) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(f);***~~

~~*(b) A criminal history report from the Federal Bureau of Investigation or any criminal history repository of any state, national or international governmental agency or entity; and*~~

~~*(c) Information related to any administrative, civil or criminal proceedings in any jurisdiction in which the applicant, or a control person of the applicant, is or has been a party;*~~

~~*3. A complete set of fingerprints of the applicant or, if the applicant is not a natural person, a complete set of fingerprints of each control person of the applicant to forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*~~

~~*4. Any other information requested by the Commissioner or otherwise required in connection with the evaluation and investigation of the applicant's qualifications and suitability for licensure;*~~

~~*5. A nonrefundable license fee of $1,000; and*~~

~~*6. A nonrefundable investigation fee of $800.]*~~ **(Deleted by amendment.)**

Sec. 18. [~~*1. In addition to any other requirements set forth in this chapter:*~~

~~*(a) A natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall include the social security number of the applicant or control person, as applicable, in the application submitted to the Commissioner.*~~

~~*(b) A natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.*~~

~~*2. The Commissioner shall include the statement required pursuant to subsection 1 in:*~~

~~*(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or*~~

~~*(b) A separate form prescribed by the Commissioner.*~~

~~*3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:*~~

~~*(a) Fails to submit the statement required by subsection 1; or*~~

~~*(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.*~~

~~*4. If an applicant or a control person indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan*~~

~~***approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.***~~

~~***5. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***~~

~~***6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.]***~~ **(Deleted by amendment.)**

Sec. 19. ~~***[1. In addition to any other requirements set forth in this chapter, a natural person who applies for the issuance or renewal of a license as a student loan servicer or, if the applicant is not a natural person, each control person of the applicant, shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.***~~

~~***2. The Commissioner shall include the statement required pursuant to subsection 1 in:***~~

~~***(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or***~~

~~***(b) A separate form prescribed by the Commissioner.***~~

~~***3. A license as a student loan servicer may not be issued or renewed by the Commissioner if the applicant or any control person of an applicant:***~~

~~***(a) Fails to submit the statement required by subsection 1; or***~~

~~***(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.***~~

~~***4. If an applicant or a control person indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the***~~

~~*Commissioner shall advise the applicant or control person, as applicable, to contact the district attorney or other public agency enforcing the order to determine the actions that he or she may take to satisfy the arrearage.*~~

~~*5. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to an applicant or control person, the Commissioner shall deem that license to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the applicant or control person by the district attorney or other public agency pursuant to NRS 425.550 stating that he or she has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*~~

~~*6. The Commissioner shall reinstate a license as a student loan servicer that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the applicant or a control person of the applicant stating that the applicant or control person, as applicable, has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[Upon the filing of an application for an initial license and the payment of the license fee and the investigation fee, the Commissioner shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of the applicant. The Commissioner may issue a license if the Commissioner finds that:*~~

~~*1. The applicant's financial condition is sound;*~~

~~*2. The applicant's business will be conducted honestly, fairly, equitably, carefully and efficiently within the purposes and intent of this chapter and in a manner commanding the confidence and trust of the community;*~~

~~*3. If the applicant is:*~~

~~*(a) A natural person, the person is in all respects properly qualified and of good character;*~~

~~*(b) A partnership, each partner is in all respects properly qualified and of good character;*~~

~~*(c) A corporation or association, the president, chairperson of the executive committee, senior officer responsible for the corporation's business and chief financial officer or any other person who performs similar functions as determined by the Commissioner, each director, each trustee and each shareholder owning 10 percent or more of each class of the securities of such corporation is in all respects properly qualified and of good character; or*~~

~~*(d) A limited liability company, each member is in all respects properly qualified and of good character;*~~

~~*4. No person on behalf of the applicant knowingly has made any incorrect statement of a material fact in the application, or in any report or statement made pursuant to this chapter;*~~

~~*5. No person on behalf of the applicant knowingly has omitted to state any material fact necessary to give the Commissioner any information lawfully required by the Commissioner;*~~

~~*6. The applicant has paid the license fee and the investigation fee required by section 17 of this act; and*~~

~~*7. The applicant has met any other requirements set forth by the Commissioner in regulations adopted pursuant to this chapter.]*~~ **(Deleted by amendment.)**

Sec. 20.5. ~~*[1. Except as otherwise provided in this section, the provisions of sections 17 to 20, inclusive, of this act do not apply to a person whom the Commissioner determines only engages in the business of a student loan servicer in this State pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f.*~~

~~*2. The Commissioner shall:*~~

~~*(a) Adopt regulations prescribing the factors that the Commissioner will use to make a determination pursuant to subsection 1; and*~~

~~*(b) Issue a license to a person described in subsection 1 upon the payment of the fee prescribed by section 17 of this act.*~~

~~*3. A person licensed pursuant to this section shall:*~~

~~*(a) Comply with all requirements of this chapter, except for those prescribed in sections 17 to 20, inclusive, of this act, and all other applicable requirements of state law to the extent that those requirements do not conflict with federal law; and*~~

~~*(b) Provide to the Commissioner written notice not later than 7 days after the expiration, revocation or termination of any contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f. A license issued pursuant to this section expires 30 days after the Commissioner receives the written notice.*~~

~~*4. The provisions of this section must not be construed to prohibit the Commissioner from taking any action to regulate student loan servicing that is not conducted pursuant to a contract awarded by the United States Secretary of Education pursuant to 20 U.S.C. § 1087f.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[1. A license issued pursuant to this chapter expires on September 30 of the odd-numbered year following its issuance, unless renewed or earlier surrendered, suspended or revoked pursuant to this chapter.*~~

~~*2. A licensee may renew the license for 2 years by filing an application containing all required documents and fees as set forth in section 17 of this act for an initial license. Such a renewal application shall be deemed to be timely filed if filed on or before September 1 of the year in which the license expires. Any renewal application filed with the Commissioner after September 1 must be accompanied by a late fee of $100 and, if so, such a filing also shall be deemed to be timely filed. If an application for renewal of a license is timely filed with the Commissioner pursuant to this subsection*~~

~~*on or before the date the license expires, the license sought to be renewed continues in full force and effect until the issuance by the Commissioner of the renewed license or until the Commissioner notifies the licensee in writing of the Commissioner's refusal to issue a renewed license together with the grounds upon which such refusal is based. The Commissioner may refuse to issue a renewed license on any ground on which the Commissioner may refuse to issue an initial license.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[1. Not later than 15 days after a licensee ceases to engage in the business of student loan servicing in this State for any reason, including, without limitation, a business decision to terminate operations in this State, license revocation, bankruptcy or voluntary dissolution, the licensee shall provide written notice of surrender to the Commissioner and shall surrender to the Commissioner its license for each location in which the licensee has ceased to engage in such business.*~~

~~*2. A written notice of surrender provided pursuant to subsection 1 must identify the location where the records of the licensee will be stored and the name, address and telephone number of a natural person authorized to provide access to the records.*~~

~~*3. The surrender of a license does not reduce or eliminate the licensee's civil or criminal liability arising from acts or omissions occurring before the surrender of the license, including, without limitation, any administrative actions undertaken by the Commissioner to revoke or suspend a license, assess a civil penalty, order restitution or exercise any other authority provided to the Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[If the Commissioner determines that a check or other method of payment which is provided to the Commissioner to pay any fee required pursuant to this chapter has been returned to the Commissioner or otherwise dishonored because the person had insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because the person stopped payment on the check or other method of payment, the Commissioner shall automatically refuse to issue, suspend or refuse to renew the license, as applicable. The Commissioner must give the licensee reasonable advance notice of this automatic action and an opportunity for a hearing.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~*[A licensee or an applicant for a license shall notify the Commissioner, in writing, of any change in the information provided in the initial application for a license or the most recent application for renewal of such license, as applicable, not later than 10 business days after the occurrence of the event that results in such information becoming inaccurate.]*~~ **(Deleted by amendment.)**

Sec. 25. ~~*[The Commissioner may deem an application for a license abandoned if the applicant fails to respond to any request for information required pursuant to this chapter or any regulations adopted pursuant thereto. The Commissioner shall notify the applicant, in writing, that if the applicant fails to submit such information not later than 60 days after the*~~

~~*date on which such a request for information was made, the application shall be deemed abandoned. Any fees paid before the date an application is deemed abandoned pursuant to this section must not be refunded. Abandonment of an application pursuant to this section does not preclude the applicant from submitting a new application for a license pursuant to this chapter.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~*[A licensee shall not act as a student loan servicer or engage in student loan servicing under any other name or at any other place of business than that identified in the license. The licensee must notify the Commissioner in advance of any change of location of a place of business of the licensee. Only one place of business may be maintained under one license, but the Commissioner may issue more than one license to the same licensee upon the licensee's application for a license for each place of business. A license is not transferable or assignable.]*~~ **(Deleted by amendment.)**

Sec. 27. ~~*[1. A student loan servicer shall maintain a record of each transaction relating to a student education loan for not less than 2 years following the final payment on the student education loan or the assignment of the student education loan, whichever occurs first, or such longer period as may be required by any other provision of law.*~~

~~*2. Upon the request of the Commissioner, a person required to maintain records pursuant to subsection 1 shall make such records available to the Commissioner, or send the records to the Commissioner, in the manner required by the Commissioner not later than 5 business days after requested by the Commissioner. Upon the person's request, the Commissioner may allow additional time to make the records available to the Commissioner or send the records to the Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 28. ~~*[A student loan servicer shall not:*~~

~~*1. Directly or indirectly employ any scheme, device or artifice to defraud or mislead a student loan borrower.*~~

~~*2. Engage in any unfair or deceptive practice toward any person or misrepresent or omit any material information in connection with the servicing of a student education loan, including, without limitation, misrepresenting the amount, nature or terms of any fee or payment due or claimed to be due on a student education loan, the terms and conditions of the loan agreement or the borrower's obligations under the loan.*~~

~~*3. Obtain property by fraud or misrepresentation.*~~

~~*4. Knowingly misapply student education loan payments to the outstanding balance of a student education loan.*~~

~~*5. Knowingly or recklessly provide inaccurate information to a credit bureau in a manner which may harm a student loan borrower's creditworthiness.*~~

~~*6. Fail to report both the favorable and unfavorable payment history of the student loan borrower to a nationally recognized consumer credit bureau*~~

~~*at least annually if the student loan servicer regularly reports information to a credit bureau.*~~

~~*7. Refuse to communicate with an authorized representative of the student loan borrower if the authorized representative:*~~

~~*(a) Provides a written authorization signed by the student loan borrower; and*~~

~~*(b) Complies with any reasonable procedures which may be adopted by the student loan servicer to verify that the representative is in fact authorized to act on behalf of the student loan borrower.*~~

~~*8. Negligently make any false statement or knowingly and willfully make any omission of a material fact in connection with any information or reports filed with a governmental agency or in connection with any investigation conducted by the Commissioner or another governmental agency.]*~~ **(Deleted by amendment.)**

Sec. 28.5. ~~*[The Student Loan Ombudsman designated pursuant to section 36.6 of this act or a member of the public may submit a complaint concerning a student loan servicer to the Division of Financial Institutions for investigation pursuant to section 29 of this act.]*~~ **(Deleted by amendment.)**

Sec. 29. ~~*[In addition to any other authority provided under this title, the Commissioner may conduct investigations and examinations as follows:*~~

~~*1. For purposes of initial licensing, license renewal, license suspension, license revocation or termination, or general or specific inquiry or investigation to determine compliance with this chapter, the Commissioner may access, receive and use any books, accounts, records, files, documents, information or evidence, including, without limitation:*~~

~~*(a) Criminal, civil and administrative history information;*~~

~~*(b) Personal history and experience information, including, without limitation, independent credit reports obtained from a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act, 15 U.S.C. § 1681a; and*~~

~~*(c) Any other documents, information or evidence the Commissioner deems relevant to the inquiry or investigation regardless of the location, possession, control or custody of such documents, information or evidence.*~~

~~*2. For the purposes of investigating violations or complaints arising under this chapter or for the purposes of examination, the Commissioner may review, investigate or examine any student loan servicer or other person subject to this chapter as often as necessary in order to carry out the purposes of this chapter. The Commissioner may direct, subpoena or order the attendance of and examine under oath any person whose testimony may be required about a student education loan, the business of a student loan servicer or the subject matter of any examination or investigation, and may direct, subpoena or order such a person to produce books, accounts, records, files and any other documents the Commissioner deems relevant to the inquiry.*~~

~~*3. In making any examination or investigation authorized by this section, the Commissioner may control access to any documents and records of a student loan servicer or other person under examination or investigation. The Commissioner may take possession of the documents and records or place a person in exclusive charge of the documents and records in the place where they are usually kept. During the period of control, a person shall not remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the Commissioner. Unless the Commissioner has reasonable grounds to believe the documents or records of the student loan servicer or other person under examination or investigation have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of this chapter, the student loan servicer, the other person under examination or investigation or the owner of the documents and records must be allowed access to the documents or records as necessary to conduct ordinary business affairs.]*~~ **(Deleted by amendment.)**

Sec. 30. ~~*[To carry out the purposes of this chapter, the Commissioner may:*~~

~~*1. Retain attorneys, accountants or other professionals and specialists as examiners, auditors or investigators to conduct or assist in the conduct of examinations or investigations;*~~

~~*2. Enter into agreements or relationships with other government officials or regulatory associations to improve efficiency and reduce any regulatory burden by sharing resources, standardizing or making uniform any applicable methods or procedures, and sharing documents, records, information or evidence obtained pursuant to this chapter;*~~

~~*3. Use, hire, contract or employ publicly or privately available analytical systems, methods or software to examine or investigate a student loan servicer or other person under examination or investigation;*~~

~~*4. Accept and rely on examination or investigation reports made by other government officials, within or outside this State; and*~~

~~*5. Accept audit reports made by an independent certified public accountant for a student loan servicer or other person under examination or investigation in the course of that part of the examination covering the same general subject matter as the audit and may incorporate the audit report in any report of examination, report of investigation or other writing of the Commissioner.]*~~ **(Deleted by amendment.)**

Sec. 31. ~~*[The authority of the Commissioner pursuant to this chapter with regard to a student loan servicer or other person under examination or investigation remains in effect, without regard to whether the student loan servicer or other person acts or claims to act under any other licensing or registration law of this State, or claims to act without such authority.]*~~ **(Deleted by amendment.)**

Sec. 32. ~~*[A student loan servicer or other person under examination or investigation pursuant to this chapter shall not knowingly withhold, abstract,*~~

~~*remove, mutilate, destroy or secrete any books, records, computer records or other information related to an investigation or examination pursuant to this chapter.]*~~ **(Deleted by amendment.)**

Sec. 33. ~~*[The Commissioner may, as applicable, deny an application for a license issued pursuant to this chapter or suspend, revoke or refuse to renew a license issued pursuant to this chapter if the Commissioner finds that:*~~

~~*1. The applicant, licensee or a control person of the applicant or licensee has violated any provision of this chapter or any regulation adopted pursuant thereto; or*~~

~~*2. With regard to a licensee or a control person of the licensee, any fact or condition exists which, if it had existed at the time of the original application for the license, would have resulted in a denial of the application.]*~~ **(Deleted by amendment.)**

Sec. 34. ~~*[All fees paid pursuant to this chapter are nonrefundable, including, without limitation, if a license is surrendered, revoked or suspended before the expiration of the period for which it was issued.]*~~ **(Deleted by amendment.)**

Sec. 35. ~~*[A student loan servicer shall comply with all applicable federal laws and regulations relating to student loan servicing, including, without limitation, the Truth in Lending Act, 15 U.S.C. §§ 1601 et seq., and the regulations promulgated thereunder. In addition to any other remedies provided by law, a violation of any such federal law or regulation shall be deemed a violation of this chapter and a basis upon which the Commissioner may take action pursuant to this chapter.]*~~ **(Deleted by amendment.)**

Sec. 36. ~~*[The Commissioner shall adopt any regulations necessary to carry out the provisions of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 36.05. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 36.1 to 36.9, inclusive, of this act.

Sec. 36.1. ***As used in sections 36.1 to 36.9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 36.2 to*** ~~*[36.5,]*~~ ***36.55, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 36.2. ***"Student education loan"*** ~~*[has the meaning ascribed to it in section 6 of this act.]*~~ ***means any loan primarily for personal use to finance education or other school-related expenses.***

Sec. 36.3. ***"Student loan borrower"*** ~~*[has the meaning ascribed to it in section 7 of this act.]*~~ ***means:***

1. Any resident of this State who receives or agrees to pay a student education loan; and

2. Any person who shares responsibility with such a resident for repaying the student education loan.

Sec. 36.4. ***"Student Loan Ombudsman" means the Student Loan Ombudsman designated by the State Treasurer pursuant to section 36.6 of this act.***

Sec. 36.5. ***"Student loan servicer"*** ~~***[has the meaning ascribed to it in section 9 of this act.]***~~ ***means any person, wherever located, responsible for the servicing of any student education loan to any student loan borrower.***

Sec. 36.55. "Student loan servicing" or "servicing" means:

1. Receiving any scheduled periodic payments from a student loan borrower pursuant to the terms of a student education loan or any notification that a student loan borrower made such a scheduled periodic payment and applying the payments to the account of a student loan borrower, as may be required pursuant to the terms of a student education loan or a contract governing the servicing of a student education loan;

2. During a period in which no payment is required on a student education loan, maintaining account records for a student education loan and communicating with the student loan borrower on behalf of the owner of the promissory note for the student education loan; or

3. Interacting with a student loan borrower concerning a student education loan with the goal of helping the student loan borrower avoid default on the student education loan or facilitating the activities described in subsection 1 or 2.

Sec. 36.6. ***The State Treasurer shall designate a Student Loan Ombudsman within the Office of the State Treasurer to:***

1. Provide timely assistance to any student loan borrower of any student education loan; and

2. Carry out the duties as set forth in sections 36.1 to 36.8, inclusive, of this act.

Sec. 36.7. ***The Student Loan Ombudsman shall:***

1. Receive, review and attempt to resolve any complaint from a student loan borrower, including, without limitation, attempting to resolve such a complaint in collaboration with an institution of higher education, a student loan servicer and any other person who participates in providing a student education loan.

2. Compile and analyze data on complaints as described in subsection 1.

3. Assist student loan borrowers to understand their rights and responsibilities under the terms of student education loans.

4. Provide information to the public, governmental agencies and the Legislature regarding the problems and concerns of student loan borrowers and make recommendations for resolving those problems and concerns.

5. Analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to student loan borrowers and recommend any changes the Student Loan Ombudsman deems necessary.

6. Review the complete history of any student education loan for any student loan borrower who has provided written consent for such a review.

7. Disseminate information concerning the availability of the Student Loan Ombudsman to assist student loan borrowers, potential student loan borrowers, institutions of higher education, student loan servicers and any

other persons who participate in providing a student education loan, with any concerns relating to student loan servicing . ~~[, as defined in section 10 of this act.]~~

8. Take any other actions necessary to fulfill the duties of the Student Loan Ombudsman as set forth in this section.

Sec. 36.8. ***The Student Loan Ombudsman shall establish and maintain an education course for student loan borrowers which provides educational presentations and materials regarding student education loans. The educational course must include, without limitation, information concerning important loan terms, documentation requirements, monthly payment obligations, income-based repayment options, loan forgiveness and disclosure requirements.***

Sec. 36.9. ***~~[1. The State Treasurer shall consult with the Commissioner of Financial Institutions to obtain the recommendations of the Commissioner concerning actions the Commissioner deems necessary for the Division of Financial Institutions of the Department of Business and Industry to gain regulatory control over student loan servicers.~~***

~~2.]~~ On or before February 1 of each odd-numbered year, the State Treasurer shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning:

~~[(a)]~~ 1. The implementation of sections 36.1 to 36.9, inclusive, of this act;

~~[(b)]~~ and

2. The overall effectiveness of the Student Loan Ombudsman . ~~[; and~~

~~(c) The recommendations of the Commissioner of Financial Institutions conveyed to the Student Loan Ombudsman pursuant to section 1 of this act.]~~

Sec. 37. **NRS 353B.350 is hereby amended to read as follows:**

353B.350 1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.

2. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to NRS 353B.300 to 353B.370, inclusive, including, without limitation:

(a) A Program Account in the Trust Fund; and

(b) An Administrative Account and an Endowment Account in the State General Fund.

3. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

4. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada College Savings Program and to supplement the administration and marketing of the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive.

5. In addition to the money transferred pursuant to NRS 353B.335, the Endowment Account must be used for the deposit of any money received by

the Nevada College Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. The money in the Endowment Account may be expended for any purpose related to:

(a) The funding of college savings accounts created under the Nevada College Kick Start Program established pursuant to NRS 353B.335;

(b) The Governor Guinn Millennium Scholarship Program created pursuant to NRS 396.926, including, without limitation, the costs of administering the Program, but such costs must not exceed an amount equal to 3 percent of the anticipated annual revenue to the State of Nevada from the settlement agreements with and civil actions against manufacturers of tobacco products anticipated for deposit in the Trust Fund;

(c) The administrative costs, as approved by the Legislature or the Interim Finance Committee, of activities related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program;

(d) The costs of marketing related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account; or

(e) The costs of providing programs for the financial education of residents of this State, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account.

(f) The costs of carrying out the provisions of sections 36.1 to 36.9, inclusive, of this act.

~~[Sec. 37.]~~ ***Sec. 38.*** 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. 38.]~~ ***Sec. 39.*** ~~[1.]~~ This ~~[section and sections 1 to 18, inclusive, and 20 to 37, inclusive, of this]~~ act ~~[become]~~ **becomes** effective:

~~[(a)]~~ **1.** Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

~~[(b)]~~ **2.** On January 1, 2020, for all other purposes.

[2. Section 18 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Section 19 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.]

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 425.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 957.
SUMMARY—Revises provisions governing fingerprinting services. (BDR [19-945)] **14-945)**

AN ACT relating to public affairs; requiring [that fingerprinting services be registered with the Secretary of State; establishing qualifications for registration; requiring the filing of a bond; regulating the business practices of fingerprinting services; authorizing disciplinary action and other remedies in specified circumstances; providing a penalty;] **the Director of the Department of Public Safety to adopt regulations governing certain fingerprint businesses and persons who provide fingerprinting services; requiring the Director to provide for audits to ensure certain persons comply with such regulations; requiring persons who wish to establish or own certain fingerprint businesses to enter into certain contracts;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[This bill requires any person that offers fingerprinting services for compensation to register with the Secretary of State and comply with various requirements. Section 2.7 of this bill defines a "fingerprint technician" as a

~~person, not including a local, state or federal law enforcement agency, that provides services to fingerprint a person for compensation. Section 4 of this bill defines a "registrant" as the owner of a fingerprint facility or a fingerprint technician registered with the Secretary of State. Sections]~~ **Existing law requires the Director of the Department of Public Safety to adopt certain regulations and provide for certain audits. (NRS 179A.080) Section 5.5 of this bill requires the Director to adopt regulations governing: (1) certain fingerprint businesses; and (2) persons who provide fingerprinting services for such fingerprint businesses. Section 5.5 further requires the Director to provide for certain audits to ensure certain persons comply with such regulations.**

Existing law creates the Central Repository for the Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety. Existing law authorizes the Records, Communications and Compliance Division to request of and receive from the Federal Bureau of Investigation information on the background and personal history of certain persons whose fingerprints the Central Repository submits to the Federal Bureau of Investigation. (NRS 179A.075) Section **5** ~~[and 6]~~ of this bill ~~[require any]~~ **requires a** person wishing to ~~[engage in the business of providing a fingerprinting service to register with the Secretary of State and renew that registration annually. Section 5 establishes certain qualifications for registration and provides for the disqualification of any person who has been convicted of certain criminal offenses or has been adjudged to have engaged in certain kinds of misconduct. Section 5 also provides that a person who provides a fingerprinting service without registering as an owner of a fingerprint facility or a fingerprint technician with the Secretary of State is guilty of a misdemeanor. Section 7 of this bill requires the Secretary of State to account separately for the fees collected from a registrant. Section 8 of this bill requires a registrant to file and maintain with the Secretary of State a cash bond or surety bond to provide a means of indemnifying a client or other person for damage caused by fraud, incompetency or certain other misconduct, or to provide payment to the Secretary of State for any civil penalty or award of attorney's fees or costs made against the registrant.~~

~~Sections 9 and 10 of this bill enact provisions relating to court orders for the support of a child against natural persons who apply for registration or a renewal of registration.~~

~~Section 12 of this bill requires a registrant to post a notice containing certain information in its place of business. Section 13 of this bill requires: (1) a registrant required to obtain a state business license to obtain and maintain a state business license; and (2) each registrant to conspicuously display at the registrant's place of business a copy of any state and local business license issued to the registrant.~~

~~Sections 17 and 18 of this bill set forth various required and prohibited practices applicable to a registrant. Section 21 of this bill authorizes the~~

Secretary of State to adopt regulations to carry out the provisions of this bill, and also requires the Secretary of State to take certain actions to facilitate the submission of complaints relating to a registrant. Section 22 of this bill authorizes the Secretary of State to investigate any suspected violation of the provisions of this bill and take certain actions if such a violation is found. Section 23 of this bill authorizes the Secretary of State to conduct certain reviews of records required to be maintained by a registrant. Section 24 of this bill authorizes the Secretary of State to deny, suspend, revoke or refuse to renew a registration under certain circumstances. Section 27 of this bill provides a private right of action to any person who suffers a pecuniary loss as the result of such a violation.] **establish or own a fingerprint business that transmits or forwards fingerprints to the Central Repository to enter into a contract with the Central Repository.**

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

Section 1. [Title 19] **Chapter 179A** of NRS is hereby amended by adding thereto [a new chapter to consist of] the provisions set forth as sections 2 to [27,] **5,** inclusive, of this act.

Sec. 2. ***As used in [this chapter,] NRS 179A.075 to 179A.160, inclusive, and sections 2 to 5, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections [2.3 to 4, inclusive,] 2.5, 2.7 and 3 of this act have the meanings ascribed to them in those sections.***

Sec. 2.3. ***[“Fingerprint applicant” means a person who receives a fingerprinting service.]*** **(Deleted by amendment.)**

Sec. 2.5. ***“Fingerprint [facility”] business” means a [commercial facility of a private fingerprinting service at] business located in this State which uses fingerprinting equipment [is contained and where] to provide fingerprinting services . [are rendered.] The term includes, without limitation, such a business that provides mobile fingerprinting services.***

Sec. 2.7. ***“Fingerprint technician” means a person [that provides] who provides fingerprinting services [to a fingerprint applicant for compensation. The term does not include any local, state or federal law enforcement agency.] for a fingerprint business.***

Sec. 3. ***“Fingerprinting service” means the act of collecting , including, without limitation, collecting electronically, biometric data in the form of fingerprints.***

Sec. 4. ***[“Registrant” means the owner of a fingerprint facility or a fingerprint technician registered pursuant to this chapter.]*** **(Deleted by amendment.)**

Sec. 4.5. The provisions of sections 2 to 5, inclusive, of this act and the regulations adopted by the Director of the Department pursuant to subsection 4 of NRS 179A.080 do not apply to:

1. Any local, state or federal agency, including, without limitation, any law enforcement agency; or

2. A business where fingerprinting services are rendered that does not transmit or forward the biometric data in the form of fingerprints to the Central Repository.

Sec. 5. ~~*[1.]*~~ *A person who wishes to* ~~*[engage in the business of providing a fingerprinting service]*~~ *establish or own a fingerprint business that transmits or forwards to the Central Repository the biometric data in the form of fingerprints must* ~~*[be registered by the Secretary of State pursuant to this chapter. An applicant for registration must be a citizen or legal resident of the United States or hold a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security, and be at least 18 years of age.*~~

~~*2. The Secretary of State shall conduct a background check of each applicant for registration as an owner of a fingerprint facility or a fingerprint technician.*~~

~~*3. The Secretary of State shall not register as an owner of a fingerprinting facility or a fingerprint technician any person:*~~

~~*(a) Whose registration as an owner of a fingerprint facility or a fingerprint technician in this State or another state has previously been revoked for cause; or*~~

~~*(b) Who has, within the 10 years immediately preceding the date of the application for registration as an owner of a fingerprint facility or a fingerprint technician, been:*~~

~~*(1) Convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a crime involving theft, fraud or dishonesty; or*~~

~~*(2) Adjudged by the final judgment of any court to have committed an act involving theft, fraud or dishonesty.*~~

~~*4. An application for registration as an owner of a fingerprint facility or a fingerprint technician must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:*~~

~~*(a) A nonrefundable application fee of $50; and*~~

~~*(b) A cash bond or surety bond meeting the requirements of section 8 of this act.*~~

~~*5. An applicant for registration must submit to the Secretary of State a declaration under penalty of perjury stating that the applicant has not had a certificate or license as an owner of a fingerprint facility or a fingerprint technician revoked or suspended in this State or any other state or territory of the United States.*~~

~~*6. After the investigation of the history of the applicant is completed, the Secretary of State shall issue a certificate of registration if the applicant is qualified for registration and has complied with the requirements of this section. Each certificate of registration must bear the name of the registrant and a registration number unique to that registrant. The Secretary of State shall maintain a record of the name and registration number of each registrant.*~~

~~***7. An application for registration as an owner of a fingerprint facility or a fingerprint technician that is not completed within 120 days after the date on which the application was submitted must be denied. If an application is denied pursuant to this subsection, the applicant may submit a new application.***~~

~~***8. A person who submits an application for registration as a fingerprint technician pursuant to this section shall be granted a conditional registration until the Secretary of State completes the background check for the applicant. As soon as practicable after completing the background check, the Secretary of State shall issue a certificate of registration to the applicant or deny the application. A person who holds a conditional registration as a fingerprint technician may be employed at a fingerprint facility and perform the functions of a fully registered fingerprint technician under the supervision of the owner of the fingerprint facility.***~~

~~***9. Any person who provides a fingerprinting service without registering as an owner of a fingerprint facility or a fingerprint technician with the Secretary of State is guilty of a misdemeanor.]***~~ ***enter into a contract with the Central Repository.***

Sec. 5.5. **NRS 179A.080 is hereby amended to read as follows:**

179A.080 The Director of the Department is responsible for administering this chapter and may adopt regulations for that purpose. The Director shall:

1. Adopt regulations for the security of the Central Repository so that it is adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access.

2. Adopt regulations and standards for personnel employed by agencies of criminal justice in positions of responsibility for maintenance and dissemination of information relating to records of criminal history and information disseminated pursuant to federal laws and regulations.

3. Provide for audits of informational systems by qualified public or private agencies, organizations or persons.

4. Adopt regulations governing fingerprint businesses, including, without limitation, the persons who establish or own such businesses, and fingerprint technicians. Such regulations must govern:

(a) The use of fingerprinting equipment; and

(b) The qualifications a person must meet to:

(1) Establish or own a fingerprint business; or

(2) Act as a fingerprint technician.

5. Provide for an audit to ensure compliance with the regulations adopted pursuant to subsection 4:

(a) If applicable, before a person may:

(1) Establish or own a fingerprint business; or

(2) Act as a fingerprint technician; and

(b) By a person who:

(1) Establishes or owns a fingerprint business; or

(2) Acts as a fingerprint technician.

Sec. 6. ~~***[1. Except as otherwise provided in subsection 2, the registration of an owner of a fingerprint facility or a fingerprint technician is valid for 1 year after the date of issuance of the certificate of registration, unless the registration is suspended or revoked. Except as otherwise provided in this section, the registration may be renewed subject to the same conditions as the initial registration. An application for renewal must be made under penalty of perjury on a form prescribed by regulation of the Secretary of State and must be accompanied by:***~~

~~***(a) A renewal fee of $25; and***~~

~~***(b) A cash bond or surety bond meeting the requirements of section 8 of this act, unless the bond previously filed by the registrant remains on file and in effect.***~~

~~***2. The registration of a registrant who holds a valid Employment Authorization Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security must expire on the date on which that person's employment authorization expires or 1 year after the date of issuance of the certificate of registration, whichever is earlier.***~~

~~***3. The Secretary of State may:***~~

~~***(a) Conduct any investigation of a registrant that the Secretary of State deems appropriate.***~~

~~***(b) Require a registrant to submit a complete set of fingerprints and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.***~~

~~***4. After any investigation of the history of a registrant is completed, unless the Secretary of State elects or is required to deny renewal pursuant to this section or section 24 of this act, the Secretary of State shall renew the registration if the registrant is qualified for registration and has complied with the requirements of this section.]***~~ **(Deleted by amendment.)**

Sec. 7. ~~***[The Secretary of State shall account for the fees received pursuant to sections 5 and 6 of this act separately, and use those fees, and any interest and income earned on those fees, solely to pay for expenses related to administering the fingerprinting services program pursuant to this chapter, including, without limitation, the cost of:***~~

~~***1. Materials and advertising to provide education and information about the program; and***~~

~~***2. Any technology necessary to process and maintain registration as a fingerprinting service.]***~~ **(Deleted by amendment.)**

Sec. 8. ~~***[1. A registrant who employs one or more fingerprint technicians shall file with the Secretary of State a cash bond or surety bond which is approved as to form by the Attorney General and conditioned to provide:***~~

~~***(a) Indemnification to a person who uses the services of the fingerprinting service who is determined in an action or proceeding to have suffered damage as a result of:***~~

~~***(1) An act or omission of the registrant, or an agent or employee of the registrant, which violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto;***~~

~~***(2) The fraud, dishonesty, negligence or other wrongful conduct of the registrant or an agent or employee of the registrant; or***~~

~~***(3) An act or omission of the registrant in violation of any other federal or state law for which the return of fees, an award of damages or the imposition of sanctions have been awarded by a court of competent jurisdiction in this State; or***~~

~~***(b) Payment to the Secretary of State for any civil penalty or award of attorney's fees or costs of suit owing and unpaid by the registrant to the Secretary of State pursuant to this chapter.***~~

~~***2. A cash bond or surety bond filed pursuant to subsection 1 must be in the penal sum of:***~~

~~***(a) If the registrant employs 1 fingerprint technician, $25,000;***~~

~~***(b) If the registrant employs at least 2 but not more than 25 fingerprint technicians, $50,000;***~~

~~***(c) If the registrant employs at least 26 but not more than 75 fingerprint technicians, $75,000;***~~

~~***(d) If the registrant employs at least 76 but not more than 125 fingerprint technicians, $100,000;***~~

~~***(e) If the registrant employs at least 126 but not more than 200 fingerprint technicians, $150,000; or***~~

~~***(f) If the registrant employs more than 200 fingerprint technicians, $200,000.***~~

~~***3. No part of the bond may be withdrawn while the registration of the registrant remains in effect, or while a proceeding to suspend or revoke the registration is pending.***~~

~~***4. If a surety bond is filed pursuant to subsection 1:***~~

~~***(a) The bond must be executed by the registrant as principal and by a surety company qualified and authorized to do business in this State.***~~

~~***(b) The bond must cover the period of the registration of the registrant, except when the surety is released in accordance with this section.***~~

~~***(c) The surety shall pay any final, nonappealable judgment of a court of this State that has jurisdiction, upon receipt of written notice that the judgment is final.***~~

~~***(d) The bond may be continuous, but regardless of the duration of the bond, the aggregate liability of the surety does not exceed the penal sum of the bond.***~~

~~***(e) If the penal sum of the bond is exhausted, the surety shall give written notice to the Secretary of State and the registrant within 30 days after its exhaustion.***~~

~~***(f) The surety may be released after giving 30 days' written notice to the Secretary of State and the registrant, but the release does not discharge or otherwise affect any claim resulting from an act or omission which is alleged to have occurred while the bond was in effect.***~~

~~***5. Except as otherwise provided in this subsection, if a cash bond is filed pursuant to subsection 1, the Secretary of State may retain the bond until the expiration of 3 years after the date the registrant has ceased to do business, or 3 years after the date of the expiration or revocation of the registration, to ensure that there are no outstanding claims against the bond. A court of competent jurisdiction may order the return of the bond, or any part of the bond, at an earlier date upon evidence satisfactory to the court that there are no outstanding claims against the bond or that the part of the bond retained by the Secretary of State is sufficient to satisfy any outstanding claims. Interest on a cash bond filed pursuant to subsection 1 must accrue to the account of the depositor.***~~

~~***6. A fingerprint technician who becomes employed by a different owner of a fingerprint facility shall submit a new application for registration under the cash bond or surety bond of the new employer of the fingerprint technician to the Secretary of State.***~~

~~***7. The registration of a registrant is suspended by operation of law when the registrant is no longer covered by a bond or the penal sum of the bond is exhausted. If the Secretary of State receives notice pursuant to subsection 4 that the penal sum of a surety bond is exhausted or that the surety is being released, the Secretary of State shall immediately notify the registrant in writing that his or her registration is suspended by operation of law until another bond is filed in the same manner and amount as the former bond.***~~

~~***8. The Secretary of State may reinstate the registration of a registrant whose registration has been suspended pursuant to subsection 7 if, before the current term of the registration expires, the registrant files with the Secretary of State a new bond meeting the requirements of this section.***~~

~~***9. Except as specifically authorized or required by this chapter, a registrant shall not make or cause to be made any oral or written reference to the registrant's compliance with the requirements of this section.]***~~ **(Deleted by amendment.)**

Sec. 9. ~~***[1. In addition to any other requirements set forth in this chapter:***~~

~~***(a) A natural person who applies for registration or the renewal of registration as an owner of a fingerprint facility or a fingerprint technician pursuant to section 5 or 6 of this act must include the social security number of the applicant in the application submitted to the Secretary of State.***~~

~~***(b) An applicant described in paragraph (a) shall submit to the Secretary of State the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.***~~

2. The Secretary of State shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for registration or the renewal of registration; or

(b) A separate form prescribed by the Secretary of State.

3. Registration as an owner of a fingerprint facility or a fingerprint technician may not be issued or renewed by the Secretary of State if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Secretary of State shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.] **(Deleted by amendment.)**

Sec. 10. [*1. If the Secretary of State receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is registered as an owner of a fingerprint facility or a fingerprint technician, the Secretary of State shall deem the registration to be suspended at the end of the 30th day after the date on which the court order was issued unless the Secretary of State receives a letter issued to the registrant by the district attorney or other public agency pursuant to NRS 425.550 stating that the registrant has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Secretary of State shall reinstate a registration of an owner of a fingerprint facility or a fingerprint technician that has been suspended by a district court pursuant to NRS 425.540 if the Secretary of State receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the natural person whose registration was suspended stating that the person whose registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.] **(Deleted by amendment.)**

Sec. 11. (Deleted by amendment.)

Sec. 12. [*Each registrant who owns a fingerprint facility shall display conspicuously in the fingerprint facility a copy of his or her certificate of registration and a written notice that contains the full name of the registrant*

~~***or, if more than one registrant is providing services at that fingerprint facility, the full name of each such registrant.]***~~ **(Deleted by amendment.)**

Sec. 13. ~~***[1. A registrant required to obtain a state business license issued by the Secretary of State pursuant to chapter 76 of NRS shall:***~~

~~***(a) Obtain a state business license before offering a fingerprinting service; and***~~

~~***(b) Maintain a state business license during the period of the registrant's registration as a fingerprinting service.***~~

~~***2. Each registrant shall display conspicuously in the registrant's place of business a copy of:***~~

~~***(a) The state business license issued to the registrant or the registrant's employer, as applicable, by the Secretary of State pursuant to chapter 76 of NRS; and***~~

~~***(b) Any business license issued to the registrant or the registrant's employer, as applicable, by a local government in this State.]***~~ **(Deleted by amendment.)**

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. ~~***[1. A registrant shall take reasonable measures to ensure the confidentiality and security of any personally identifiable information submitted by a fingerprint applicant and safeguard from loss or damage any document provided to the registrant by a fingerprint applicant in connection with services rendered by the registrant.***~~

~~***2. Except as otherwise provided in subsection 3, a registrant shall immediately return to a fingerprint applicant any original document provided by the fingerprint applicant:***~~

~~***(a) Upon the request of the fingerprint applicant; or***~~

~~***(b) If the document is no longer needed for the services rendered by the registrant.***~~

~~***3. If a copy of any original document provided by a fingerprint applicant is sufficient for the purposes of a legal matter, the registrant shall make or cause to be made a copy of the original document and immediately return the original to such person.***~~

~~***4. The duties of a registrant pursuant to this section are not affected by a dispute existing between the registrant and the fingerprint applicant over the fees or costs of the registrant.***~~

~~***5. A fingerprint facility must have visible exterior signs at its physical location. The fingerprint facility shall:***~~

~~***(a) Be secured with an alarm system;***~~

~~***(b) Have cameras located in the lobby, fingerprinting area and any area containing networking equipment;***~~

~~***(c) Include a system of securing equipment used to provide a fingerprinting service and the records of fingerprint applicants; and***~~

~~*(d) Use equipment used to provide a fingerprinting service deemed appropriate for public use by the Federal Bureau of Investigation.*~~

~~*6. As used in this section, "personally identifiable information" means information that can be used to distinguish or trace the identity of a natural person, including, without limitation, the name, social security number, date of birth, place of birth, race, citizenship status and biometric records of such person, alone or when combined with other information related to such person.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~[*1. Upon the presentation to a registrant of a written form of authorization signed by a fingerprint applicant, the registrant shall provide a complete copy of such person's file to an agent or employee of the Secretary of State or the Attorney General, or to an agent or employee of a law enforcement agency, without the necessity of a warrant or subpoena.*~~

~~*2. A registrant shall retain a copy of any document prepared for a fingerprint applicant for not less than 6 months but not more than 1 year after the date of the last service performed for the fingerprint applicant. At the end of that period, unless the fingerprint applicant requests, in writing, that the document be given to the fingerprint applicant, the document must be destroyed by the registrant. Any method of destruction used by a registrant must ensure the complete and confidential destruction of the document.]*~~ **(Deleted by amendment.)**

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. ~~[*1. In addition to the regulations which the Secretary of State is required to adopt pursuant to this chapter, the Secretary of State may adopt any other regulations necessary to carry out the provisions of this chapter.*~~

~~*2. The Secretary of State shall post on the Internet website of the Secretary of State information as to how to make a complaint about a registrant or an alleged violation of this chapter.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~[*1. If the Secretary of State obtains information that a provision of this chapter or a regulation or order adopted or issued pursuant thereto has been violated by a registrant or another person, the Secretary of State may conduct or cause to be conducted an investigation of the alleged violation.*~~

~~*2. If, after investigation, the Secretary of State determines that a violation has occurred, the Secretary of State may:*~~

~~*(a) Serve, by certified mail addressed to the person who has committed the violation, a written order directing the person to cease and desist from the conduct constituting the violation and prescribing remedial measures.*~~

~~*(b) If a registrant has committed the same violation three or more times within 1 calendar year, begin proceedings to revoke or suspend the registration of the registrant.*~~

~~*(c) If the violation is criminal in nature, refer the alleged violation to the Attorney General or a district attorney for commencement of a criminal action against the person.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~[*The Secretary of State may conduct periodic, special or any other examinations of any records required to be maintained pursuant to this chapter or any other provisions of NRS pertaining to the duties of a registrant as the Secretary of State deems necessary to determine whether a violation of this chapter or any other provision of NRS pertaining to the duties of a registrant has occurred.*]~~ **(Deleted by amendment.)**

Sec. 24. ~~[*1. The Secretary of State may deny, suspend, revoke or refuse to renew the registration of any person who violates a provision of this chapter or a regulation or order adopted or issued pursuant thereto. Except as otherwise provided in subsection 2, a suspension or revocation may be imposed only after a hearing.*~~

~~*2. The Secretary of State shall immediately revoke the registration of a registrant upon the receipt of an official document or record showing:*~~

~~*(a) The entry of a judgment or conviction; or*~~

~~*(b) The occurrence of any other event,*~~

~~*➥ that would disqualify the registrant from registration pursuant to subsection 3 of section 5 of this act.*]~~ **(Deleted by amendment.)**

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. ~~[*Notwithstanding the provisions of sections 22 to 24, inclusive, of this act, any person who suffers a pecuniary loss as a result of a violation of this chapter or a regulation or order adopted or issued pursuant thereto by a registrant or other person may bring an action against that person in any court of competent jurisdiction and may recover the sum of $500 or twice the amount of the pecuniary loss sustained, whichever is greater. If the court determines that the plaintiff is the prevailing party in an action brought pursuant to this section, the court shall award the plaintiff the costs of suit and reasonable attorney's fees incurred in the action.*]~~ **(Deleted by amendment.)**

Sec. 28. ~~[1.]~~ This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary and administrative tasks necessary to carry out the provisions of this act and on January 1, 2020, for all other purposes.

~~[2. Sections 9 and 10 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

~~(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or~~

~~(b) Are in arrears in the payment for the support of one or more children,~~

~~➥ are repealed by the Congress of the United States.]~~

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 456.
Bill read third time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 904.
SUMMARY— ~~[Revises provisions governing]~~ **Increases** the minimum wage required to be paid to employees in private employment in this State. (BDR 53-1104)

AN ACT relating to wages; ~~[requiring]~~ **increasing** the minimum wage paid to employees in private employment in this State ~~[to be above a certain amount;]~~ **; revising provisions governing the administration and enforcement of the minimum wage provisions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 16 of Article 15 of the Nevada Constitution requires private employers to pay a minimum wage of $5.15 per hour worked if the employer provides certain health benefits or $6.15 per hour worked if the employer does not provide such benefits. The Constitution also requires the minimum wage to be adjusted each year by the amount of any increase in the federal minimum wage over $5.15 per hour or, if greater, by the cumulative increase in the cost of living measured by the Consumer Price Index (CPI), except the CPI adjustment for any 1-year period may not be greater than 3 percent. (Nev. Const. Art. 15, § 16) Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage that may be paid per hour to an employee in private employment in this State. (NRS 608.250) **The minimum wage in Nevada is currently $7.25 if the employer provides certain health benefits and $8.25 if the employer does not provide such benefits.** **Section** ~~[1]~~ **1.5** of this bill ~~[requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for such an employee is increased by 75 cents each year for 5 years or until the minimum wage: (1) is $12]~~ **removes the requirement for the Labor Commissioner to adopt regulations and instead places the current minimum wage in the law and requires each employer to pay to each employee, beginning on July 1, 2020, a wage that is not less than: (1) $9** per hour ~~[or more,]~~ **worked,** if the employer ~~[of the employee]~~ does not offer health ~~[insurance for]~~ **benefits to** the employee in ~~[accordance with regulations adopted by the Labor Commissioner;]~~ **the manner described in Section 16 of Article 15 of the Nevada Constitution;** and (2) ~~[is $11]~~ **$8** per hour ~~[or more,]~~ **worked,** if the employer ~~[of the employee]~~ offers health ~~[insurance for]~~ **benefits to** the employee in

~~[accordance with regulations adopted by the Labor Commissioner.]~~ **the manner described in Section 16 of Article 15 of the Nevada Constitution. Section 1.5 also provides that the minimum wage must be increased by 75 cents on July 1 of each year until 2024 when the minimum wage reaches: (1) $12 per hour worked, if the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution; and (2) $11 per hour worked if the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution. Section 1.5 also removes certain exceptions to the minimum wage requirement, which have been held to be unconstitutional by the Nevada Supreme Court. (Thomas v. Nev. Yellow Cab Corp., 130 Nev. 484 (2014)) Sections 1.3, 2.5 and 2.7 of this bill make conforming changes. Section 2.3 of this bill allows the Labor Commissioner to adopt any regulations necessary to administer and enforce the minimum wage laws.**

Section 16 of Article 15 of the Nevada Constitution allows an employee claiming that he or she was paid less than the minimum wage required by that provision to bring a civil action against his or her employer. Under this constitutional provision, if the employee prevails in the civil action, the employee: (1) is entitled to all legal and equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) must be awarded reasonable attorney's fees and costs. (Nev. Const. Art. 15, § 16) **Section 2** of this bill places in statute the language of the minimum wage provision of the Nevada Constitution: (1) authorizing an employee who prevails in a civil action to recover all legal or equitable remedies appropriate to remedy the violation, including back pay, damages, reinstatement or injunctive relief; and (2) requiring a court to award reasonable attorney's fees and costs to an employee who prevails in such a civil action. **Section 3** of this bill makes this bill become effective on ~~[January 1, 2020.]~~ **July 1, 2019.**

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

Section 1. ~~[Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***In adopting the regulations establishing the minimum wage per hour that may be paid to employees in private employment within the State pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to whom those regulations apply is increased by 75 cents each year until the minimum wage that may be paid pursuant to NRS 608.250 is:***~~

~~***1. If the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, $12 per hour or more; and***~~

~~***2. If the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner, $11 per hour or more.]***~~ **(Deleted by amendment.)**

Sec. 1.3. **NRS 608.018 is hereby amended to read as follows:**

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate ~~[prescribed pursuant to]~~ ***set forth in*** NRS 608.250 works:

(a) More than 40 hours in any scheduled week of work; or

(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.

2. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate ~~[prescribed pursuant to]~~ ***set forth in*** NRS 608.250 works more than 40 hours in any scheduled week of work.

3. The provisions of subsections 1 and 2 do not apply to:

(a) ~~[Except as otherwise provided in paragraphs (o) and (p), employees]~~ ***Employees*** who are not covered by the minimum wage provisions of ~~[NRS 608.250;]~~ ***Section 16 of Article 15 of the Nevada Constitution;***

(b) Outside buyers;

(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;

(d) Employees who are employed in bona fide executive, administrative or professional capacities;

(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;

(f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;

(g) Employees of a railroad;

(h) Employees of a carrier by air;

(i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;

(j) Drivers of taxicabs or limousines;

(k) Agricultural employees;

(l) Employees of business enterprises having a gross sales volume of less than $250,000 per year;

(m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment;

(n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply;

(o) A domestic worker who resides in the household where he or she works if the domestic worker and his or her employer agree in writing to exempt the domestic worker from the requirements of subsections 1 and 2; and

(p) A domestic service employee who resides in the household where he or she works if the domestic service employee and his or her employer agree in writing to exempt the domestic service employee from the requirements of subsections 1 and 2.

4. As used in this section, "domestic worker" has the meaning ascribed to it in NRS 613.620.

Sec. 1.5. **NRS 608.250 is hereby amended to read as follows:**

608.250 1. ~~[Except as otherwise provided in this section, the Labor Commissioner shall, in accordance with federal law, establish by regulation the minimum wage which may be paid to employees in private employment within the State. The Labor Commissioner shall prescribe increases in the minimum wage in accordance with those prescribed by federal law, unless the Labor Commissioner determines that those increases are contrary to the public interest.~~

~~2. The provisions of subsection 1 do not apply to:~~

~~(a) Casual babysitters.~~

~~(b) Domestic service employees who reside in the household where they work.~~

~~(c) Outside salespersons whose earnings are based on commissions.~~

~~(d) Employees engaged in an agricultural pursuit for an employer who did not use more than 500 days of agricultural labor in any calendar quarter of the preceding calendar year.~~

~~(e) Taxicab and limousine drivers.~~

~~(f) Persons with severe disabilities whose disabilities have diminished their productive capacity in a specific job and who are specified in certificates issued by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation.~~

~~3.]~~ ***Each employer shall pay to each employee of the employer a wage of not less than:***

(a) Beginning July 1, 2019:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $7.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.25 per hour worked.

(b) Beginning July 1, 2020:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.00 per hour worked.

(c) Beginning July 1, 2021:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.75 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.75 per hour worked.

(d) Beginning July 1, 2022:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.50 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $10.50 per hour worked.

(e) Beginning July 1, 2023:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $10.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $11.25 per hour worked.

(f) Beginning July 1, 2024:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $11.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $12.00 per hour worked.

2. It is unlawful for any person to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any person for a wage less than that established by ~~[the Labor Commissioner pursuant to the provisions of]~~ this section.

Sec. 2. NRS 608.260 is hereby amended to read as follows:

608.260 ***1.*** If any employer pays any employee a lesser amount than the minimum wage ~~[prescribed by regulation of the Labor Commissioner pursuant to the provisions of]~~ ***set forth in*** NRS 608.250, the employee may, at any time within 2 years, bring a civil action ~~[to recover the difference between the amount paid to the employee and the amount of the minimum wage.]~~ ***against the employer.*** A contract between the employer and the employee or any acceptance of a lesser wage by the employee is not a bar to the action.

2. If the employee prevails in a civil action brought pursuant to subsection 1:

(a) The employee is entitled to all remedies available under the law or in equity appropriate to remedy the violation by the employer which may include, without limitation, back pay, damages, reinstatement or injunctive relief; and

(b) The court must award the employee reasonable attorney's fees and costs.

Sec. 2.3. **NRS 608.270 is hereby amended to read as follows:**

608.270 1. The Labor Commissioner shall:

(a) Administer and enforce the provisions of NRS 608.250; ~~[and]~~

(b) ***Adopt any regulations necessary to carry out the duties set forth in paragraph (a); and***

(c) Furnish the district attorney of any county or the Attorney General all data and information concerning violations of the provisions of NRS 608.250, occurring in the county coming to the attention of the Labor Commissioner.

2. Each district attorney shall, if a complaint is made to him or her by the Labor Commissioner or by any aggrieved person, prosecute each violation of the provisions of NRS 608.250 that occurs in the district attorney's county. If any such district attorney fails, neglects or refuses for 20 days to commence a prosecution for a violation of the provisions of NRS 608.250, after being furnished data and information concerning the violation, and diligently to prosecute the same to conclusion, the district attorney is guilty of a misdemeanor, and in addition thereto must be removed from office.

Sec. 2.5. **NRS 435.220 is hereby amended to read as follows:**

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual disabilities or persons without developmental disabilities; and

(b) Pays at or above the minimum wage ~~[prescribed by regulation of the Labor Commissioner pursuant to]~~ ***set forth in*** NRS 608.250.

Sec. 2.7. **NRS 435.225 is hereby amended to read as follows:**

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that:

(a) Is comparable to employment of persons without intellectual disabilities or persons without developmental disabilities; and

(b) Pays at or above the minimum wage ~~[prescribed by regulation of the Labor Commissioner pursuant to]~~ ***set forth in*** NRS 608.250.

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 3. This act becomes effective on ~~[January 1, 2020.]~~ **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. 476.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 947.

AN ACT relating to affordable housing; creating the Advisory Committee on Housing; prescribing the membership, powers and duties of the Advisory Committee; authorizing the Advisory Committee to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; creating the Private Activity Bond Council; prescribing the membership, powers and duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the law as it existed between 1987 and 2017, there existed in the Housing Division of the Department of Business and Industry an Advisory Committee on Housing with the power and duty to review and provide to the Director of the Department and the Administrator of the Division advice, recommendations and other commentary regarding certain matters relating to housing. (former NRS 319.173) The Advisory Committee was abolished in 2017. **Section 1** of this bill recreates the Advisory Committee and revises its membership, powers and duties. Among other duties, **section 1** requires the Advisory Committee to annually prepare and submit to the Private Activity Bond Council created by **section 3** of this bill a report concerning housing that addresses, without limitation, community needs for housing in the State, housing trends and housing goals for this State.

Existing law prescribes the number of legislative measures which may be requested by various departments, agencies and other entities of this State for each regular session of the Legislature. (NRS 218D.100-218D.220) **Section 1.5** of this bill authorizes the Advisory Committee on Housing to request for each regular session of the Legislature the drafting of not more than one legislative measure which relates to matters within the scope of the Committee.

Under the Internal Revenue Code, states and local governments are allowed to finance certain projects that primarily benefit or are used by a private entity, but have some public benefit, through the issuance of bonds known as private activity bonds. If the bonds are issued for certain private activities specified in federal law, known as qualified private activities, the bondholders are not required to pay federal income taxes on the interest that the bondholders earn on the bonds. (26 U.S.C. §§ 103, 141) Examples of qualified private activities include multifamily rental projects, airports and student loans. (26 U.S.C. §§ 142-145, 1394) For some of those qualified private activities, federal law places an annual limit on the total dollar amount of tax-exempt private activity bonds that can be issued in each state, which is known as the "state ceiling." In 2018, for example, Nevada's state ceiling was roughly $315 million. Each state is authorized to allocate its state ceiling among state and local governmental agencies and other authorized issuers. An allocation of the state ceiling to an issuer is known as the issuer's "volume cap." (26 U.S.C. § 146) Under existing law, the volume cap for State Government is 50 percent of the state ceiling for each calendar year, while the remaining 50 percent of the state ceiling is allocated to local governments in proportion to the percentage that the population of the local government bears to the entire population of Nevada. Existing law also provides that an entity's volume cap for any calendar year may be augmented or diminished in accordance with regulations adopted by the Director of the Department of Business and Industry. (NRS 348A.020)

Under existing law, the Director of the Department of Business and Industry is responsible for regulating private activity bonds in this State. (NRS 348A.040) Existing regulations establish a committee to serve in an advisory

capacity to the Director with respect to private activity bonds. (NAC 348A.280) **Section 3** creates in statute the Private Activity Bond Council and prescribes its membership. **Section 4** of this bill requires the Council to advise the Governor, the State Board of Finance or the Director on the allocation of the state ceiling for the issuance of private activity bonds during any calendar year and on any other matter concerning private activity bonds, if requested. Finally, **section 4** requires the Council to receive and consider the annual report concerning housing submitted by the Advisory Committee on Housing, created by **section 1**.

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

Section 1. Chapter 319 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Advisory Committee on Housing, consisting of nine members as set forth in subsection 2.

2. The Advisory Committee consists of:

(a) One member who is a Legislator appointed by the Legislative Commission;

(b) One member appointed by the Nevada Rural Housing Authority;

(c) One member appointed by the Southern Nevada Regional Housing Authority;

(d) One member appointed by the Reno Housing Authority; and

(e) Five members appointed by the Director as follows:

(1) One member who is ~~[representative of real estate brokers and real estate salespersons]~~ knowledgeable and has experience in ~~[with experience in large-scale]~~ supportive housing programs and projects;

(2) One member who is representative of builders and developers of multifamily housing projects;

(3) One member who is knowledgeable in banking and the financing of housing projects;

(4) One member who represents a local community development agency or regional planning agency in southern Nevada; and

(5) One member who represents a local community development agency or regional planning agency in northern Nevada.

➥ The members of the Advisory Committee are not entitled to any additional compensation for their service in that capacity.

3. A member of the Advisory Committee serves a term of 2 years and until his or her successor is appointed. A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

4. A vacancy in the membership of the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. The members of the Advisory Committee shall select a Chair from among their membership. The term of office of the Chair is 2 years. The

Advisory Committee shall meet at least once each calendar quarter, and at the call of the Chair or upon the written request of the Administrator or a majority of the members of the Advisory Committee.

6. The Division shall provide administrative support to the Advisory Committee.

7. The Advisory Committee shall:

(a) Review and comment on:

(1) The annual housing progress report compiled by the Division pursuant to NRS 278.235;

(2) The annual plan established by the Division for allocating tax credits for low-income housing pursuant to 26 U.S.C. § 42; and

(3) Any other matter or information submitted to it by the Division.

(b) Annually prepare and submit to the Private Activity Bond Council created by section 3 of this act, a report concerning housing that addresses, without limitation:

(1) Community needs for housing in the State;

(2) Housing trends; and

(3) Housing goals for this State.

8. As used in this section:

(a) "Director" means the Director of the Department of Business and Industry.

(b) "Private activity bond" has the meaning ascribed to it in NRS 348A.010.

Sec. 1.5. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. For a regular session, the Advisory Committee on Housing created by section 1 of this act may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Committee. The request must be submitted to the Legislative Counsel on or before September 1 preceding the regular session.

2. A request made pursuant to this section must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this section must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 1.7. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. The provisions of NRS 218D.100 to 218D.220, inclusive, ***and section 1.5 of this act*** apply to requests for the drafting of legislative measures for a regular session.

2. Except as otherwise provided by a specific statute, joint rule or concurrent resolution, the Legislative Counsel shall not honor a request for the drafting of a legislative measure if the request:

(a) Exceeds the number of requests authorized by NRS 218D.100 to 218D.220, inclusive, ***and section 1.5 of this act*** for the requester; or

(b) Is submitted by an authorized nonlegislative requester pursuant to NRS 218D.175 to 218D.220, inclusive, ***and section 1.5 of this act*** but is not in a subject related to the function of the requester.

3. The Legislative Counsel shall not:

(a) Honor a request to change the subject matter of a request for the drafting of a legislative measure after it has been submitted for drafting.

(b) Honor a request for the drafting of a legislative measure which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2. Chapter 348A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. The Private Activity Bond Council is hereby created.***

2. The Council consists of seven members as follows:

(a) The Director, or his or her designee, who shall serve as Chair of the Committee;

(b) The Executive Director of the Office of Economic Development, or his or her designee;

(c) One member who is a member of the Senate appointed by the Legislative Commission;

(d) One member who is a member of the Assembly appointed by the Legislative Commission;

(e) One member appointed by the Nevada League of Cities;

(f) One member appointed by the Nevada Association of Counties; and

(g) One member appointed by the ~~[Committee on Local Government Finance.]~~ Director who has experience in financing affordable housing projects.

3. An appointed member of the Council serves a term of 2 years and until his or her successor is appointed. An appointed member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

4. A vacancy in the appointed membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. Each member of the Council:

(a) Serves without compensation; and

(b) While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or political

subdivision of this State shall not require an officer or employee who is a member of the Council to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Council; or

(b) Take annual leave or compensatory time for the absence.

7. The Council shall meet at the call of the Chair as frequently as required to perform its duties, but not less than twice each year.

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

9. The Department of Business and Industry shall provide the Council with administrative support.

Sec. 4. ***The Council shall:***

1. Receive and consider the annual report concerning housing submitted by the Advisory Committee on Housing, created by section 1 of this act;

2. Advise the Governor, the State Board of Finance or the Director on the allocation of the state ceiling for the issuance of private activity bonds during any calendar year; and

3. Upon request, advise the Governor, the State Board of Finance or the Director on any other matter concerning private activity bonds.

Sec. 5. NRS 348A.010 is hereby amended to read as follows:

348A.010 As used in NRS 348A.010 to 348A.040, inclusive ~~[:]~~ ***, and sections 3 and 4 of this act:***

1. ***"Council" means the Private Activity Bond Council created by section 3 of this act.***

2. "Director" means the Director of the Department of Business and Industry.

~~[2.]~~ ***3.*** "Private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

~~[3.]~~ ***4.*** "State ceiling" has the meaning ascribed to it in 26 U.S.C. § 146(d).

~~[4.]~~ ***5.*** "Volume cap" has the meaning ascribed to it in 26 U.S.C. § 146(b) and (c).

Sec. 6. As soon as practicable on or after July 1, 2019:

1. The Legislative Commission, Nevada Rural Housing Authority, Southern Nevada Regional Housing Authority, Reno Housing Authority and Director of the Department of Business and Industry shall make the appointments to the Advisory Committee on Housing required by subsection 2 of section 1 of this act; and

2. The Legislative Commission, Nevada League of Cities, Nevada Association of Counties and ~~[Committee on Local Government Finance]~~ **Director of the Department of Business and Industry** shall make the appointments to the Private Activity Bond Council required by subsection 2 of section 3 of this act.

Sec. 7. Any regulation adopted by the Administrator of the Housing Division of the Department of Business and Industry concerning the governance of the Advisory Committee on Housing as it existed before July 1, 2017, and which expired by operation of law on July 1, 2017, that is not in conflict with the provisions of section 1 of this act:

1. Shall be deemed to have been adopted by the Administrator on July 1, 2019; and
2. Remains in effect until repealed or replaced by the Administrator.

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

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 501.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 881.
SUMMARY—Makes an appropriation to the ~~[Office of Finance as a loan to the]~~ Fleet Services Division of the Department of Administration for the replacement of vehicles. (BDR S-1171)
AN ACT making an appropriation to the ~~[Office of Finance as a loan to the]~~ Fleet Services Division of the Department of Administration for the replacement of vehicles; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the ~~[Office of Finance in the Office of the Governor the sum of $5,291,952 as a loan to the]~~ Fleet Services Division of the Department of Administration **the sum of $4,783,246** for the replacement of vehicles.
Sec. 2. Any remaining balance of the appropriation made by section 1 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. 3. This act becomes effective upon passage and approval.

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 526.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 951.
AN ACT relating to education; authorizing the Commission on Postsecondary Education to suspend the approval of or disapprove certain courses of training in certain circumstances; establishing a process for the appeal of such a suspension; providing for an additional voting member on the Commission who represents veterans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing federal law, an eligible person or veteran receives certain educational benefits while enrolled in a course of education if the course is approved for the training of veterans by the State approving agency or is approved for the training of veterans in certain other circumstances. (38 U.S.C. § 3672; 38 C.F.R. § 21.4250) Existing federal law authorizes the State approving agency, which in the State of Nevada is the Commission on Postsecondary Education, to suspend or withdraw the approval of such a course if the course fails to meet the requirements for approval. (38 C.F.R. §§ 21.4150, 21.4259) Existing law establishes the Commission on Postsecondary Education. (NRS 394.383) The Commission grants licenses to postsecondary educational institutions in this State. (NRS 394.415) Under existing law, the Commission may also, without limitation, authorize a postsecondary educational institution to offer a degree in a specific subject and add vocational programs or degrees in specific subjects. (NRS 394.421) Existing regulations also provide that any institution licensed by or under the jurisdiction of an agency of government which seeks or has obtained approval to offer training to veterans is subject to the regulations of the Commission. (NAC 394.375)

Section 1 of this bill authorizes the Commission to suspend the approval of a course for the training of veterans in certain circumstances. **Section 1** requires the Commission to disapprove such a course in certain circumstances. **Section 1** further requires the Commission to provide notification to a postsecondary educational institution of the suspension ~~[or disapproval]~~ of a course and include certain information in such notification. **Section 1** establishes a process by which a postsecondary educational institution that offers a course that has been suspended may appeal such a decision.

Section 2 of this bill increases the number of voting members on the Commission from six to seven members. **Section 3** of this bill requires that

one member on the Commission represent veterans and be knowledgeable on issues relating to veterans.

Sections 4-8 of this bill make conforming changes.

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

Section 1. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission may suspend the approval of a course for the training of veterans approved pursuant to 38 U.S.C. § 3672 and offered by a postsecondary educational institution ~~[only]~~ ***in accordance with the provisions of 38 C.F.R. § 21.4259(a)(1). The Commission shall disapprove such a course in accordance with the provisions of 38 C.F.R. § 21.4259(a)(2). Except as otherwise provided by federal law, the Commission may immediately disapprove such a course if:***

(a) The institution requests the disapproval; or

(b) The institution has permanently closed or no longer has the legal authority to operate.

2. The Commission shall notify the postsecondary educational institution, in writing, of a suspension of approval ~~[or disapproval]~~ ***of a course pursuant to subsection 1 by certified mail, return receipt requested, in accordance with the provisions of 38 U.S.C. § 3679 and 38 C.F.R. § 21.4259. Except as otherwise provided by federal law, the notification must include:***

(a) A statement of the facts or conduct that led to the suspension of approval ~~[or disapproval]~~ ***of a course;***

(b) A statement of any deficiencies in the course that must be corrected before the suspension of approval of a course can be rescinded, if applicable; and

(c) A statement informing the institution of its right to appeal such a decision by requesting a hearing.

3. If an institution corrects the deficiencies identified by the Commission in the statement submitted to the institution pursuant to subsection 2 during the period of suspension imposed pursuant to subsection 1, the Commission shall rescind the suspension of approval of the course.

4. Except as otherwise provided by federal law, the Commission shall grant a request for a hearing submitted by a postsecondary educational institution not less than 10 business days after the date the institution receives a notification of suspension of approval sent pursuant to subsection 2. The request for a hearing must be in writing and may be sent to the Administrator by electronic mail, facsimile or certified mail, return receipt requested.

5. At least 10 days before a hearing granted pursuant to subsection 4, each party to the hearing shall submit to the other party a written statement that includes, without limitation:

(a) The disputed facts of the case;

(b) The issues presented by the case;

(c) A list of the names of the witnesses who may testify at the hearing and the contact information for each witness; and

(d) A list and description of the exhibits, if any, that the party intends to use at the hearing.

6. A hearing before a hearing officer granted pursuant to subsection 4 must be held in accordance with chapter 233B of NRS.

7. Each party to a hearing granted pursuant to subsection 4 is entitled to be heard, to present and rebut evidence and to examine and cross-examine witnesses. The Commission shall present its case first, followed by the postsecondary educational institution. The hearing officer may allow rebuttal evidence.

8. The hearing officer shall render his or her decision at an open meeting after the conclusion of a hearing granted pursuant to subsection 4. The hearing officer may:

(a) Affirm the initial suspension of approval of a course and the conditions for correcting any deficiencies identified by the Commission pursuant to subsection 2;

(b) Affirm the initial suspension of approval of a course and modify the conditions for correcting any deficiencies identified by the Commission pursuant to subsection 2; or

(c) Rescind the suspension of approval.

9. A decision of the Commission on a hearing granted pursuant to subsection 4 is final. If a postsecondary educational institution does not request a hearing pursuant to subsection 4, the initial suspension of approval of a course is final. A postsecondary educational institution that offers a course that has been suspended pursuant to subsection 8 is entitled to a review of the decision in the manner provided by chapter 233B of NRS.

10. The Commission shall adopt regulations establishing a process for holding a hearing requested pursuant to subsection 4, including, without limitation, that a hearing date may be continued upon written motion or stipulation and the approval of the Chair of the Commission.

Sec. 2. NRS 394.383 is hereby amended to read as follows:

394.383 1. The Commission on Postsecondary Education is hereby created within the Employment Security Division of the Department of Employment, Training and Rehabilitation. The Commission consists of:

(a) An employee of the Department of Employment, Training and Rehabilitation designated by the Director of the Department of Employment, Training and Rehabilitation to serve as a nonvoting member; and

(b) ~~[Six]~~ ***Seven*** voting members appointed by the Governor.

2. The voting members of the Commission are entitled to receive a salary of not more than $80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.

3. The nonvoting member of the Commission designated pursuant to paragraph (a) of subsection 1 must be relieved from his or her duties with the Department of Employment, Training and Rehabilitation without loss of regular compensation so that he or she may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. The Department may not require the member to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the Commission.

4. While engaged in the business of the Commission, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. NRS 394.385 is hereby amended to read as follows:

394.385 1. The Governor shall appoint:

(a) Two members who are knowledgeable in the field of education, but not persons representing postsecondary educational institutions, or colleges established or maintained under the laws of this State.

(b) Two members who are representatives of private postsecondary educational institutions.

(c) Two members who are representatives of the general public and are not associated with the field of education.

(d) One member who represents veterans and is knowledgeable in issues relating to veterans.

2. The Commission shall designate a Chair. The Commission may meet regularly at least four times each year at such places and times as may be specified by a call of the Chair or majority of the Commission. The Commission shall prescribe regulations for its own management. Four voting members of the Commission constitute a quorum which may exercise all the authority conferred upon the Commission.

3. Any Commissioner may be removed by the Governor if, in the opinion of the Governor, the Commissioner is guilty of malfeasance in office or neglect of duty.

Sec. 4. NRS 394.510 is hereby amended to read as follows:

394.510 1. The Commission may impose an administrative fine of not more than $10,000 against a licensee, revoke a license, or make a license conditional after its issuance, if the Commission reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, ***and section 1 of this act,*** or regulations adopted pursuant to those sections, or has failed to comply with a lawful order of the Commission. The Administrator shall notify the institution of the reasons for the action by certified mail to its last known address, 20 days before the meeting of the Commission at which the action will be considered.

2. If the Commission revokes a license, the institution shall cease its operations and granting degrees and shall refund to each enrolled student the cost of the student’s current course or program.

3. The Administrator may impose an administrative fine of not more than $10,000 against an institution or agent, revoke an agent's permit, or make a permit conditional after its issuance, if the Administrator reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, ***and section 1 of this act,*** or regulations adopted pursuant thereto. Before action is taken, the Administrator shall notify the holder by certified mail of facts or conduct that warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days after receipt of the notice letter. If no hearing is requested within the prescribed period the action becomes final.

4. If an agent is fined or the agent's permit is revoked or conditions imposed, the Administrator shall notify, by certified mail, the institution the agent represented in addition to the agent and any other parties to any hearing.

Sec. 5. NRS 394.520 is hereby amended to read as follows:

394.520 1. Until 1 year after the last date of attendance or date on which the damage occurred, whichever is later, a person claiming damage as a result of any act by a postsecondary educational institution or its agent, or both, that is a violation of NRS 394.383 to 394.560, inclusive, ***and section 1 of this act,*** or regulations adopted pursuant thereto, may file with the Administrator a verified complaint against the institution, its agent, or both. The complaint must set forth the alleged violation and contain other information as required by regulations of the Commission. A complaint may also be filed by a Commissioner or the Attorney General or initiated by the Administrator.

2. The Administrator shall investigate any verified complaint and may, at his or her discretion, attempt to effectuate a settlement by arbitration, mediation or negotiation. The Administrator may also consult with the applicable accrediting body to resolve the complaint. If a settlement cannot be reached, the Administrator shall render a decision and notify each party of the decision and the reasons for it by certified mail to his or her last known address. Either party may request a hearing before the Commission by notifying the Administrator by certified mail within 15 days after the decision was mailed to the party. The hearing must be held at the next meeting of the Commission in the geographical area convenient to the parties. If a hearing is not requested, the decision of the Administrator is final.

3. If, after consideration of all the evidence presented at a hearing, the Commission finds that a postsecondary educational institution or its agent, or both, are guilty of the violation alleged in the complaint, it shall issue and the Administrator shall serve upon the institution or agent, or both, an order to cease and desist from the violation. If the Commission finds the institution has substantially failed to furnish the instruction or services agreed upon in the agreement to enroll, it shall order the institution to make full restitution to the student of all money paid pursuant to the agreement. If the Commission finds that the institution has substantially furnished the instruction or services agreed upon in the agreement to enroll, but that conditions in the school were sufficiently substandard that it was not reasonable to expect the student to

complete the instruction, the Commission shall order the institution to make restitution to the student of one-half the money paid pursuant to the agreement. The Commission may also, as appropriate, based on the Administrator's investigation and the evidence adduced at the hearing, or either of them, institute proceedings to revoke an institution's license or recommend that the Administrator institute proceedings to revoke an agent's permit.

Sec. 6. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to 394.560, inclusive, ***and section 1 of this act*** is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Sec. 7. NRS 232.920 is hereby amended to read as follows:

232.920 The Director:

1. Shall:

(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;

(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law;

(d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting required of the Board of Regents by subsection 4 of NRS 396.531; and

(e) Provide to the Director of the Legislative Counsel Bureau a written report each quarter containing the rate of unemployment of residents of this State regarding whom the Department has information, organized by county and, for each county, the rate of unemployment disaggregated by demographic information, including, without limitation, age, race and gender. The Director of the Department shall:

(1) Post on the Internet website of the Department the report required by this paragraph;

(2) Provide the report to the Governor's Workforce Investment Board and all applicable agencies for the purposes of subsection 5 of NRS 232.935; and

(3) Post on the Internet website of the Department the written report provided by the Governor's Workforce Investment Board pursuant to subsection 5 of NRS 232.935.

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS 394.383 to 394.560, inclusive, ***and section 1 of this act,*** 426.010 to 426.720, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law

relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Sec. 8. NRS 612.220 is hereby amended to read as follows:

612.220 The Administrator:

1. Shall administer this chapter.

2. Is responsible for the administration, through the Administrator of the Commission on Postsecondary Education, of the provisions of NRS 394.383 to 394.560, inclusive ~~[.]~~ ***, and section 1 of this act.***

3. Has power and authority to adopt, amend or rescind such rules and regulations, to employ, in accordance with the provisions of this chapter, such persons, make such expenditures, require such reports, make such investigations, and take such other action as the Administrator deems necessary or suitable to that end.

4. Shall determine his or her own organization and methods of procedure for the Division in accordance with the provisions of this chapter.

Assemblywoman Carlton moved the adoption of the amendment.
Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 535.
Bill read third time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 937.

AN ACT relating to tobacco products; increasing the annual license fee for a license to engage in business as a wholesale dealer of cigarettes; establishing an annual license fee for a license to engage in certain other businesses related to cigarettes or other tobacco products; revising provisions governing the ~~[imposition and payment of the tax on other tobacco products;]~~ **use of the money collected from certain annual license fees;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a manufacturer of cigarettes, a wholesale dealer of cigarettes, a retail dealer of cigarettes, a wholesale dealer of other tobacco products and a retail dealer of other tobacco products to obtain a license to sell cigarettes or other tobacco products. (NRS 370.080, 370.445) Under existing law, a wholesale dealer of cigarettes is required to pay an annual license fee of $150 but there is no fee for a license as a manufacturer of cigarettes, a retail dealer of cigarettes, a wholesale dealer of other tobacco products or a retail dealer of other tobacco products. (NRS 370.150, 370.445) Sections 1 and 3]~~ **Before the adoption of Senate Bill No. 81 of this legislative session, existing law: (1) provided for the licensing of persons engaged in the manufacture,**

sale or distribution of cigarettes separately from the licensing of persons engaged in the manufacture, sale or distribution of other tobacco products; and (2) required a wholesale dealer of cigarettes to pay an annual license fee of $150 but prohibited the Department of Taxation from charging a fee for a license as a manufacturer of cigarettes, a retail dealer of cigarettes, a wholesale dealer of other tobacco products or a retail dealer of other tobacco products. (NRS 370.080, 370.150, 370.445) Sections 2-34 of Senate Bill No. 81 established uniform provisions for the licensing of persons engaged in the manufacture, distribution or sale of cigarettes and other tobacco products. (Chapter 118, Statutes of Nevada 2019) Section 28 of Senate Bill No. 81 maintained the $150 annual license fee for a wholesale dealer of cigarettes and the prohibition on charging an annual fee for the other types of licenses. Section 6.7 of this bill **[~~:~~] amends section 28 of Senate Bill No. 81 to:** (1) increase from $150 to $650 the annual license fee for a wholesale dealer of cigarettes; and (2) establish an annual license fee of $1,000 for a license as a manufacturer of cigarettes, an annual license fee of $50 for a license as a retail dealer of cigarettes, an annual license fee of $650 for a license as a wholesale dealer of other tobacco products and an annual license fee of $50 for a license as a retail dealer of other tobacco products. **Section [~~6~~] 1.5** of this bill requires the **proceeds of the** annual license fees established by **section [~~3 for wholesale dealers of other tobacco products and retail dealers of tobacco products~~] 6.7** to be **[~~distributed in the same manner as the tax imposed by existing law on other tobacco products.~~] used by the Department to administer and enforce certain existing laws governing cigarettes and other tobacco products. Section 8** of this bill provides that the provisions of this bill **[~~related to the annual license fees~~]** become effective on October 1, 2019. **Section 6.3 of this bill makes a conforming change.**

[~~Existing law imposes a tax upon the purchase or possession of other tobacco products by a customer in this State at a rate of 30 percent of the wholesale price of those products. (NRS 370.450) Under existing law, the tax is required to be collected and paid by the wholesale dealer of other tobacco products after the sale or distribution of such products by the wholesale dealer, and the wholesale dealer is required to submit a report to the Department of the other tobacco products that were sold by the wholesale dealer during the previous month. (NRS 370.465) Section 2 of this bill: (1) revises the definition of "wholesale dealer" for the purpose of determining whether a person is a wholesale dealer of other tobacco products; and (2) revises the definition of "wholesale price" for the purpose of calculating the amount of the tax on other tobacco products by specifically providing that certain amounts are not subtracted from the wholesale price on which the tax is required to be paid. Section 4 of this bill revises provisions governing the collection and payment of the tax on other tobacco products to require the tax to be imposed: (1) at the time the other tobacco products are first possessed or received for sale or disposition in this State by a wholesale dealer who maintains a place of~~

business in this State; (2) at the time the other tobacco products are sold by a wholesale dealer who does not maintain a place of business in this State to a retail dealer or ultimate consumer in this State; or (3) for other tobacco products manufactured, produced, fabricated, assembled, processed, labeled or finished in this State, at the time the other tobacco products are sold in this State to a wholesale dealer, a retail dealer or ultimate consumer. Under sections 4 and 5 of this bill, the tax is required to be paid to the Department not later than 20 days after the end of the month in which the tax is imposed.

Sections 7 and 8 of this bill provide that the revisions to the provisions of existing law governing the imposition and payment of the tax on other tobacco products become effective on January 1, 2020, and apply to any other tobacco products purchased, received or sold by a wholesale dealer before January 1, 2020, if the tax on those products has not been paid before January 1, 2020. Under section 8, a wholesale dealer is required to remit the tax on those products to the Department at the time that the wholesale dealer remits to the Department the taxes due for the January 2020 period.**]**

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

Section 1. **[**NRS 370.150 is hereby amended to read as follows:

370.150 1. Each license issued by the Department is valid only for the calendar year for which it is issued, and must be renewed annually.

2. **[**The**]** ***Except as otherwise provided in subsection 3, the*** Department shall **[**not**]** charge **[**any license fees for a manufacturer's or retail dealer's license.

3. An**]** ***:***

(a) For a license as a manufacturer, an annual license fee of $1,000.

(b) For a license as a wholesale dealer, an annual license fee of **[**$150 must be charged for each wholesale dealer's license.**]** ***$650.***

(c) For a license as a retail dealer, an annual license fee of $50.

3. If **[**such**]** a license is issued at any time during the year other than on January 1, except for the renewal of a delinquent license pursuant to subsection 5, the licensee shall pay a proportionate part of the annual fee for the remainder of the year, but not less than 25 percent of the annual license fee.

4. The fees for a **[**wholesale dealer's**]** license are due and payable on January 1 of each year. If the annual license fee is not paid by January 15, the license is cancelled automatically.

5. A **[**wholesale dealer's**]** license which is cancelled for nonpayment of the annual license fee may be renewed at any time by the payment of the fee plus a 5-percent penalty thereon.**]** **(Deleted by amendment.)**

Sec. 1.5. **NRS 370.260 is hereby amended to read as follows:**

370.260 1. All taxes and license fees imposed by the provisions of NRS 370.001 to 370.430, inclusive, and sections 2 to 34, inclusive, of Senate Bill No. 81 of this session, less any refunds granted as provided by law, must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall:

(a) As compensation to the State for the costs of collecting the taxes ~~[and license fees,]~~ transmit each month the sum the Legislature specifies from the remittances made to it pursuant to subsection 1 during the preceding month to the State Treasurer for deposit to the credit of the Department. The deposited money must be expended by the Department in accordance with its work program.

(b) From the remittances ***of taxes*** made to it pursuant to subsection 1 during the preceding month, less the amount transmitted pursuant to paragraph (a), transmit each month the portion of the tax which is equivalent to 85 mills per cigarette to the State Treasurer for deposit to the credit of the Account for the Tax on Cigarettes in the State General Fund.

(c) Transmit the balance of the payments ***of taxes*** each month to the State Treasurer for deposit in the Local Government Tax Distribution Account created by NRS 360.660.

(d) Report to the State Controller monthly the amount of collections ~~[.]~~ ***of taxes and license fees.***

3. The money deposited pursuant to paragraph (c) of subsection 2 in the Local Government Tax Distribution Account is hereby appropriated to Carson City and to each of the counties in proportion to their respective populations and must be credited to the respective accounts of Carson City and each county.

4. All license fees remitted to the Department pursuant to subsection 1 must be deposited with the State Treasurer for credit to the Department and used by the Department to administer and enforce the provisions of this chapter.

Sec. 2. ~~[NRS 370.440 is hereby amended to read as follows:~~

~~370.440 As used in NRS 370.440 to 370.503, inclusive, unless the context otherwise requires:~~

~~1. "Alternative nicotine product" has the meaning ascribed to it in NRS 370.003.~~

~~2. "Other tobacco product" has the meaning ascribed to it in NRS 370.0318.~~

~~3. "Retail dealer" means any person who is engaged in selling other tobacco products.~~

~~4. "Sale" means any transfer, exchange, barter, gift, offer for sale, or distribution for consideration of other tobacco products.~~

~~5. "Ultimate consumer" means a person who purchases one or more other tobacco products for his or her household or personal use and not for resale.~~

~~6. "Wholesale dealer" means any person who:~~

~~(a) **[**Brings or causes to be brought into**]** ***Maintains a place of business in*** this State ***, purchases*** other tobacco products **[**purchased**]** from the manufacturer or a wholesale dealer ***, and*** **[**who stores,**]** ***possesses, receives,*** sells or otherwise disposes of such other tobacco products ***to wholesale dealers or retail dealers*** within this State;~~

(b) ***Does not maintain a place of business in this State and sells or otherwise disposes of other tobacco products by any means, including, without limitation, through an Internet website, to wholesale dealers, retail dealers or ultimate consumers within this State; or***

(c) Manufactures ***,*** **[**or**]** produces ***, fabricates, assembles, processes, labels or finishes*** other tobacco products within this State . **[**and who sells or distributes such other tobacco products within this State to other wholesale dealers, retail dealers or ultimate consumers; or

(c) Purchases other tobacco products solely for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only.**]**

7. "Wholesale price" means **[**:

(a) Except as otherwise provided in paragraph (b), the established price**]** ***the total amount*** for which other tobacco products are sold to a wholesale dealer **[**before**]** ***, valued in money, without any deduction on account of*** any ***of the following:***

(a) A trade discount ***, cash discount, special discount or deal, cash rebate*** or ***any*** other reduction **[**is made.**]** ***from the regular selling price.***

(b) **[**For**]** ***The cost of materials used, labor or service cost, interest charged, losses or any other expenses.***

(c) The cost of transportation of the other tobacco products **[**sold to a retail dealer or an ultimate consumer by a wholesale dealer described in paragraph (b) of subsection 6, the established price for which the other tobacco product is sold to the retail dealer or ultimate consumer**]** before **[**any discount or other reduction is made.**]** ***their purchase.***

(d) Any services that are part of the sale, including, without limitation, shipping, freight, warehousing, customer service or any other service related to the sale.

(e) The amount of any tax, not including any excise tax, imposed by the United States upon or with respect to other tobacco products.] **(Deleted by amendment.)**

Sec. 3. **[**NRS 370.445 is hereby amended to read as follows:

370.445 1. The Department shall issue a license as a wholesale dealer or a license as a retail dealer to a person who submits a complete application on a form prescribed by the Department and who otherwise complies with the applicable provisions of this chapter and any regulations adopted by the Department. **[**The**]** ***Except as otherwise provided in subsections 5 and 7, the*** Department shall **[**not**]** charge **[**any fee for the issuance of a license pursuant to this subsection.**]** ***:***

(a) For a license as a wholesale dealer, an annual license fee of $650.

(b) For a license as a retail dealer, an annual license fee of $50.

2. Except as otherwise provided in subsection 3, a person shall not engage in the business of a wholesale dealer or retail dealer in this State unless the person first obtains a license as a wholesale dealer or retail dealer from the Department. A person may be licensed as a wholesale dealer and as a retail dealer.

~~3. A person who wishes to engage in the business of a retail dealer is not required to obtain a license as a retail dealer pursuant to this section if the person is licensed as a retail cigarette dealer pursuant to NRS 370.001 to 370.430, inclusive.~~

~~4. The Department may refuse to issue or renew, or may suspend or revoke, a license issued pursuant to this section for any violation of the provisions of NRS 370.440 to 370.503, inclusive.~~

~~5. ***If a license is issued at any time during the year other than on January 1, except for the renewal of a delinquent license pursuant to subsection 7, the licensee shall pay a proportionate part of the annual fee for the remainder of the year, but not less than 25 percent of the annual license fee.***~~

~~***6. The fees for a license are due and payable on January 1 of each year. If the annual license fee is not paid by January 15, the license is cancelled automatically.***~~

~~***7. A license which is cancelled for nonpayment of the annual license fee may be renewed at any time by the payment of the fee plus a 5 percent penalty thereon.***~~

~~***8.*** The Department may adopt regulations prescribing the form and contents of an application for, or which are otherwise necessary for the issuance of, a license pursuant to this section.~~

~~**[**6.**]** ***9.*** Any person who violates any of the provisions of this section is guilty of a misdemeanor.**]**~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 370.450 is hereby amended to read as follows:~~

~~370.450 1. Except as otherwise provided in **[**subsection 2,**]** ***this section,*** there is hereby imposed upon the ***receipt,*** purchase or **[**possession**]** ***sale*** of other tobacco products **[**by a customer**]** in this State a tax of 30 percent of the wholesale price of those products.~~

~~2. The provisions of subsection 1 do not apply to those products which are:~~

~~(a) **[**Shipped out of the State for sale and use outside the State;~~

~~(b)**]** Displayed or exhibited at a trade show, convention or other exhibition in this State by a manufacturer or wholesale dealer who is not licensed in this State; or~~

~~**[**(c) Acquired**]**~~

~~***(b) Distributed*** free of charge at a trade show, convention or other exhibition or public event in this State **[**, and which do not have significant value as determined by the Department by regulation.**]** ***if the distributor has obtained a license from the Department to distribute other tobacco products free of charge at the trade show, convention or other exhibition.***~~

~~3. This tax **[**must be collected and**]** ***:***~~

~~***(a) Is imposed:***~~

~~***(1) At the time the other tobacco products are first possessed or received by a wholesale dealer who maintains a place of business in this State for sale or disposition in this State;***~~

~~***(2) At the time the other tobacco products are sold by a wholesale dealer who does not maintain a place of business in this State to a retail dealer or ultimate consumer in this State; or***~~

~~***(3) For other tobacco products manufactured, produced, fabricated, assembled, processed, labeled or finished in this State, at the time the other tobacco products are sold in this State to a wholesale dealer, retail dealer or ultimate consumer.***~~

~~***(b) Must be*** paid by the wholesale dealer to the Department, in accordance with the provisions of NRS 370.465 **.** **[**, after the sale or distribution of the other tobacco products by the wholesale dealer.**]** The wholesale dealer is entitled to retain 0.25 percent of the taxes collected to cover the costs of collecting and administering the taxes if the taxes are paid in accordance with the provisions of NRS 370.465.~~

~~4. Any wholesale dealer who sells or distributes other tobacco products without paying the tax provided for by this section is guilty of a misdemeanor.~~**]** **(Deleted by amendment.)**

Sec. 5. **[**~~NRS 370.465 is hereby amended to read as follows:~~

~~370.465 1. A wholesale dealer shall, not later than 20 days after the end of each month, submit to the Department a report on a form prescribed by the Department setting forth **[**each sale of**]** ***such information as the Department may prescribe concerning*** other tobacco products **[**that the wholesale dealer made**]** ***on which the tax was imposed pursuant to NRS 370.450*** during the previous month.~~

~~2. Each report submitted pursuant to this section on or after August 20, 2001, must be accompanied by the tax owed pursuant to NRS 370.450 for other tobacco products that were sold by the wholesale dealer during the previous month.~~

~~3. The Department may impose a ***civil*** penalty on a wholesale dealer who violates any of the provisions of this section as follows:~~

~~(a) For the first violation within 7 years, a **[**fine**]** ***civil penalty*** of $1,000.~~

~~(b) For a second violation within 7 years, a **[**fine**]** ***civil penalty*** of $5,000.~~

~~(c) For a third or subsequent violation within 7 years, revocation of the license of the wholesale dealer.~~**]** **(Deleted by amendment.)**

Sec. 6. **[**~~NRS 370.500 is hereby amended to read as follows:~~

~~370.500 1. All amounts of tax ***and all license fees*** required to be paid to the State pursuant to NRS 370.440 to 370.490, inclusive, must be paid to the Department in the form of remittances payable to the Department.~~

~~2. The Department shall deposit these payments with the State Treasurer for credit to the Account for the Tax on Products Made From Tobacco, Other Than Cigarettes, in the State General Fund.~~**]** **(Deleted by amendment.)**

Sec. 6.3. **Section 22 of Senate Bill No. 81 of this session is hereby amended to read as follows:**

Sec. 22. An application for a license must:

1. Be made to the Department on forms prescribed by the Department.

2. Include the name and address of the applicant. If the applicant is a firm, association or partnership, the application must include the name and address of each of its members. If the applicant is a corporation, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.

3. Specify the location, by street and number, of the principal place of business of the applicant. In addition to specifying the principal place of business of the applicant pursuant to this subsection, an application for a license as a cigarette vending machine operator must list all cigarette vending machine locations for which the license is sought.

4. Specify the location, by street and number, of any place used by the applicant to distribute, ship, affix stamps to, warehouse or store cigarettes or other tobacco products and for which the license is sought.

5. Specify any other information the Department may require to carry out the provisions of this chapter.

6. Except as otherwise provided in NRS 370.001 to 370.430, inclusive, and sections 2 to 34, inclusive, of this act, ~~[if the application is for a license as a wholesale dealer of cigarettes,]~~ be accompanied by the ***required*** license fee**.** ~~[required by section 28 of this act.]~~

7. Be accompanied by a certified copy of the certificate required by NRS 602.010 or any renewal certificate required by NRS 602.035.

Sec. 6.7. **Section 28 of Senate Bill No. 81 of this session is hereby amended to read as follows:**

Sec. 28. 1. Each license issued by the Department is valid only for the calendar year for which it is issued, and must be renewed annually.

2. The Department shall not charge any license fees to operate a warehouse or distribution center or for a license as a ~~[manufacturer, wholesale dealer of other tobacco products, tobacco retail dealer or]~~ logistics company.

~~[3. An]~~ ***Except as otherwise provided in subsections 3 and 5, the Department shall charge:***

(a) For a license as a manufacturer, an annual license fee of $1,000.

(b) For a license as a wholesale dealer of cigarettes, an annual license fee of ~~[$150 must be charged for each license as a wholesale dealer of cigarettes.]~~ ***$650.***

(c) For a license as a wholesale dealer of other tobacco products, an annual license fee of $650.

(d) For a license as a tobacco retail dealer, $50.

3. If ~~[such]~~ a license is issued at any time during the year other than on January 1, except for the renewal of a delinquent license pursuant to subsection 5, the licensee shall pay a proportionate part of the annual fee for the remainder of the year, but not less than 25 percent of the annual license fee.

4. The fees for a license ~~[as a wholesale dealer of cigarettes]~~ are due and payable on January 1 of each year. If the annual license fee is not paid by January 15, the license is cancelled automatically.

5. A license ~~[as a wholesale dealer of cigarettes]~~ which is cancelled for nonpayment of the annual license fee may be renewed at any time by the payment of the fee plus a 5 percent penalty thereon.

Sec. 7. ~~[NRS 370.450, as amended by section 4 of this act, applies to other tobacco products purchased, received or sold in this State before January 1, 2020, if the tax imposed by NRS 370.450, as that section existed before January 1, 2020, has not been paid before January 1, 2020. A wholesale dealer shall include other tobacco products described in this section in the report filed by the wholesale dealer with the Department of Taxation pursuant to NRS 370.465, as amended by section 5 of this act, for the January 2020 reporting period and remit the tax required to be paid by this section with that report.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[1.]~~ This ~~[section and sections 1, 3 and 6 of this]~~ act ~~[become]~~ **becomes** effective on October 1, 2019.

~~[2. Sections 2, 4, 5 and 7 of this act become effective on January 1, 2020.]~~

Assemblywoman Neal moved the adoption of the amendment.
Remarks by Assemblywoman Neal.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 10.
Resolution read third time.
The following amendment was proposed by the Committee on Commerce and Labor:
Amendment No. 1002.

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to prospectively increase the required minimum wage paid to employees.

Legislative Counsel's Digest:

Section 16 of Article 15 of the Nevada Constitution requires private employers to pay a minimum wage of $5.15 per hour if the employer provides certain health benefits to employees or $6.15 per hour if the employer does not provide such health benefits to employees. The Constitution also requires the minimum wage to be adjusted each year by the amount of any increase in the federal minimum wage over $5.15 per hour or, if greater, by the cumulative increase in the cost of living measured by the Consumer Price Index (CPI), except that the CPI adjustment for any 1-year period cannot exceed 3 percent. (Nev. Const. Art. 15, §16) This joint resolution proposes to amend the Nevada Constitution to instead set the minimum wage at $12 per hour worked beginning July 1, 2024, regardless of whether the employer provides health benefits to employees. In addition, this joint resolution removes the annual adjustment to the minimum wage and instead provides that if at any time the

federal minimum wage is greater than $12 per hour worked, the minimum wage is increased to the amount established for the federal minimum wage. In addition, this joint resolution allows the Legislature to establish a minimum wage that is greater than the hourly rate set forth in the Constitution.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 16 of Article 15 of the Nevada Constitution be amended to read as follows:

Sec. 16. Payment of minimum compensation to employees.

~~[A. Each]~~

1. Except as otherwise provided in this section, beginning July 1, 2024, each employer shall pay a wage to each employee of not less than ~~[the hourly rates set forth in this section. The rate shall be five dollars and fifteen cents ($5.15)]~~ ***twelve dollars ($12)*** per hour worked **.** ~~[, if the employer provides health benefits as described herein, or six dollars and fifteen cents ($6.15) per hour if the employer does not provide such benefits. Offering health benefits within the meaning of this section shall consist of making health insurance available to the employee for the employee and the employee's dependents at a total cost to the employee for premiums of not more than 10 percent of the employee's gross taxable income from the employer. These rates of wages shall be adjusted by the amount of increases in]~~

2. If, at any time, the ***amount of the*** federal minimum wage ~~[over $5.15 per hour, or, if greater, by the cumulative increase in the cost of living. The cost of living increase shall be measured by the percentage increase as of December 31 in any year over the level as of December 31, 2004 of the Consumer Price Index (All Urban Consumers, U.S. City Average) as published by the Bureau of Labor Statistics, U.S. Department of Labor or the successor index or federal agency. No CPI adjustment for any one-year period may be greater than 3%. The Governor or the State agency designated by the Governor shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect the following July 1. Such bulletin will be made available to all employers and to any other person who has filed with the Governor or the designated agency a request to receive such notice but lack of notice shall not excuse noncompliance with this section. An employer shall provide written notification of the rate adjustments to each of its employees and make the necessary payroll adjustments by July 1 following the publication of the bulletin.]~~ ***is greater than twelve dollars ($12) per hour worked, each employer must pay a wage to each employee of not less than the hourly rate established for the federal minimum wage.***

3. The Legislature may establish by law a minimum wage that an employer must pay to each employee that is greater than the hourly rate required by this section.

4. Tips or gratuities received by employees shall not be credited as being any part of or offset against the ~~***[hourly rate established as the minimum]***~~ wage <u>rates required by</u> ~~***[pursuant to]***~~ this section.

~~[B. The]~~

5. Except as otherwise provided in this section, the provisions of this section may not be waived by agreement between an ~~[individual]~~ employee and ~~[an]~~ ***his or her*** employer. All of the provisions of this section, or any part hereof, may be waived in a bona fide collective bargaining agreement, but only if the waiver is explicitly set forth in such agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted, as a waiver of all or any part of the provisions of this section.

6. An employer shall not ***, in any manner,*** discharge, reduce the compensation of or otherwise discriminate against any employee for using any civil remedies to enforce this section or otherwise asserting his or her rights under this section.

7. An employee claiming violation of this section ~~[may]~~ ***is entitled to*** bring an action against his or her employer in the courts of this State to enforce the provisions of this section and shall be entitled to all remedies available under the law or in equity appropriate to remedy any violation of this section, including but not limited to back pay, damages, reinstatement or injunctive relief. An employee who prevails in any action to enforce this section shall be awarded his or her reasonable attorney's fees and costs.

~~[C.]~~ ***8.*** As used in this section ~~[, "employee"]~~ ***:***

(a) "Employee" means any person who is employed by an employer as defined herein but does not include an employee who is under eighteen (18) years of age, employed by a nonprofit organization for after school or summer employment or as a trainee for a period not longer than ninety (90) days.

(b) "Employer" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts of employment.

~~[D.]~~ ***9.*** If any provision of this section is declared illegal, invalid or inoperative, in whole or in part, by the final decision of any court of competent jurisdiction, the remaining provisions and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining sections or portions of the sections of this section.

<u>And be it further</u>

<u>Resolved, That this resolution becomes effective on July 1, 2024.</u>

Assemblywoman Spiegel moved the adoption of the amendment.
Remarks by Assemblywoman Spiegel.
Amendment adopted.
Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Benitez-Thompson moved that the Senate Bill No. 544 be withdrawn from the Committee on Health and Human Services.
Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 544 be rereferred to the Committee on Ways and Means.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Marc McDermont, Brandy Vause, and Jesse Beckman.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Blazich and Logan Creelman.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Tuesday, May 28, 2019, at 11:30 a.m.
Motion carried.

Assembly adjourned at 9:41 p.m.

Approved: JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly