THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 1, 2019

Assembly called to order at 12:25 p.m.

Mr. Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Reverend Richard Snyder.

Almighty God, we give You thanks for this day and for the opportunity to assemble together to do the work of the people of Nevada. As this 80th Session of the Nevada Legislature draws to a close, we ask that Your Spirit would guide us through these days and into the future. Revive us and renew us in Your Spirit.

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 Senate Bill No. 98, 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 Education, to which was referred Senate Bill No. 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 519, 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 Senate Bill No. 166, 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 Senate Bill No. 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 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. 44, 68, 223, 234, 264, 364, 383, 456, 466, 476, 494, 498, 537; Assembly Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 128.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 77, Amendment No. 1051, 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 respectfully refused to recede from its action on Assembly Bill No. 70, Senate Amendment No. 878, and requests a conference, and appointed Senators Parks, Harris and Kieckhefer as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 3, 80, 216, 421.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 198, 493.

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. 749 to Senate Joint Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Parks, Harris and Kieckhefer as a Conference Committee concerning Senate Bill No. 463.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by: Assemblyman Roberts.
For: Senate Bill No. 461.
To Waive:

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

Has been granted effective: May 31, 2019.

SENATOR NICOLE J. CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN JASON FRIERSON
Speaker of the Assembly

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 519; Senate Bills Nos. 89, 98, and 209 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bill No. 461 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblywoman Benitez-Thompson moved that Assembly Bill No. 543 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Carlton moved that Senate Bill No. 540 be taken from the General File and rereferred to the Committee on Ways and Means

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 543.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

This is step one on the way home. You can put the tape on those boxes. I stand in support of Assembly Bill 543.

This is our appropriations bill. It gets us where we are going. It is the report on civil government in the state, and it is the reason why I pack my car and come up here. I think there are a couple of things in here that I particularly want to call out for the body. There are a lot of numbers in there and a lot of departments, but sometimes it is hard to discern how those departments actually affect the families that we come up here to represent and to fight for.

I would like to point your attention to section 41. In that section there is $300,000 for the Nevada Teach program in support of teachers; it allows teachers to do professional development. In section 43, there is $500,000 in each year for the Nevada National Guard Youth Challenge Program. We had some very persistent constituents in this building working for this program. This program really will make a difference for the youth in our state so I think it something that we should call out and congratulate them on the really good work they did in making sure we understood how important this was.

This is only the second time that we have funded this—in section 45 is a bus program to basically make sure that our fourth graders who are studying Nevada state history get to go to the Nevada State Museum on a field trip and get to understand history. I do not know about you guys, but field trip days were one of the best days of my life and I remember a lot of them.

So these were just a few things to point out how, even though an appropriations budget looks very dry, it is very important to all of our families.

Roll call on Assembly Bill No. 543:

YEAS—41.

NAYS—None.

VACANT—1.

Assembly Bill No. 543 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1068.

SUMMARY—Makes appropriations to restore the balances in the Stale Claims Account **, the Reserve for Statutory Contingency Account** and the Contingency Account. (BDR S-1240)

AN ACT making appropriations to restore the balances in the Stale Claims Account**, the Reserve for Statutory Contingency Account** and the Contingency Account; 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. 1. There is hereby appropriated from the State General Fund to restore the balance in the Stale Claims Account created by NRS 353.097 the sum of ~~[$2,500,000.]~~ **$2,700,000.**

2. **There is hereby appropriated from the State General Fund to restore the balance in the Reserve for Statutory Contingency Account created by NRS 353.264 the sum of $12,133,919.**

3. There is hereby appropriated from the State General Fund to restore the balance in the Contingency Account created by NRS 353.266 the sum of ~~[$16,253,908.]~~ **$23,167,598.**

Sec. 2. 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.

Senate Bill No. 89.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1067.

AN ACT relating to education; revising provisions governing the annual reports of accountability for public schools; revising requirements for a plan to improve the achievement of pupils enrolled in a public school; requiring the State Board of Education to develop nonbinding recommendations for the pupil-specialized instructional support personnel ratio in public schools; requiring a school safety specialist to be designated for each public school; revising provisions related to providing a safe and respectful learning environment; revising provisions related to plans used by schools in responding to a crisis, emergency or suicide; revising provisions related to a statewide framework for providing integrated student supports for pupils enrolled in a public school and the families of such pupils; revising provisions related to school police officers; revising provisions relating to pupil discipline; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the boards of trustees of school districts, the sponsors of charter schools and the State Board of Education to prepare annual reports of accountability that contain certain information regarding public schools and pupils enrolled in public schools. (NRS 385A.070, 385A.240, 385A.250) **Sections 1 and 2** of this bill require that the information must be included in

the annual reports of accountability in a manner that allows the disaggregation of the information by certain categories of pupils.

Existing law requires the principal of each school, in consultation with the employees of the school, to prepare a plan to improve the achievement of pupils enrolled in the school and prescribes the requirements of such a plan. (NRS 385A.650) **Section 3** of this bill requires such a plan to improve the achievement of pupils to include methods for evaluating and improving the school climate.

Existing law provides for the establishment of the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. The Program enables any person to anonymously report any dangerous, violent or unlawful activity which is being conducted or threatened to be conducted on the property of a public school, at an activity sponsored by a public school or on a school bus of a public school. (NRS 388.1455) **Section 13** of this bill: (1) revises the name of the Program to the SafeVoice Program; (2) requires that under certain circumstances a person who makes a report to the Program will not remain anonymous; and (3) requires that certain public safety agencies be authorized to access certain pupil information in response to a report to the Program. **Sections 11-16** of this bill make conforming changes.

Section 5 of this bill requires the Governor to appoint a committee on statewide school safety to review certain issues and make recommendations related to school safety and the well-being of pupils.

Existing law requires the board of trustees of a school district or the governing body of a charter school or a private school to establish a committee to develop, review and update, on an annual basis, one plan to be used by all schools in the school district or every charter school or private school, as applicable, to use in responding to a crisis, emergency or suicide. (NRS 388.241-388.245, 394.1685-394.1688) **Section 20** of this bill instead requires such a committee to develop a plan which constitutes the minimum requirements of a plan for a school to use. **Section 6** of this bill: (1) requires the Division of Emergency Management of the Department of Public Safety to report to the Legislature certain information relating to the plan used by a public school, charter school or private school in response to a crisis, emergency or suicide; and (2) authorizes the Division to conduct random audits of plans submitted to the Division by public schools or charter schools. **Sections 18-27** of this bill revise other provisions relating to the development, contents, approval and usage of plans used by a public school or charter school when responding to a crisis, emergency or suicide. ~~[Sections]~~ **Section 36** ~~[and 37]~~ of this bill ~~[require]~~ **requires** the development committee that developed or reviewed and updated the plan used by a private school when responding to a crisis, emergency or suicide to provide a copy of the plan to the governing body of the school on or before July 1 of each year.

Section 28 of this bill requires the statewide framework for providing and coordinating integrated student supports, which existing law specifies as the

academic and nonacademic supports for pupils enrolled in public school and the families of such pupils, to include methods for: (1) engaging the parents and guardians of pupils; (2) assessing the social, emotional and academic development of pupils; and (3) screening, intervening and monitoring the social, emotional and academic progress of pupils. (NRS 388.885) **Section 7** of this bill requires the State Board of Education to develop nonbinding recommendations for the ratio of pupils to specialized instructional support personnel in public schools for kindergarten and grades 1 to 12, inclusive. **Section 7** also requires the board of trustees of each school district to develop a plan to achieve such ratios. **Section 7.5** of this bill requires a school safety specialist to be designated for each school district and each charter school. The school safety specialist will be responsible for reviewing policies and procedures and overseeing various other functions relating to school safety.

Section 31 of this bill requires a person in charge of a school building to ensure that drills provided for the purpose of providing instruction to pupils in the appropriate procedures are followed in the event of a lockdown, fire or other emergency and the drills occur at different times during school hours. (NRS 392.450)

Existing law authorizes a board of county commissioners to impose a surcharge on certain telecommunications lines for the purpose of enhancement of the telephone system for reporting an emergency in the county and for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices. (NRS 244A.7643) Section 37 of this bill prescribes the entities authorized to use money from the surcharge to purchase and maintain recording devices, which include a school district that employs school police officers and certain other law enforcement and criminal justice agencies.

Section 38 of this bill removes school police officers from the list of "category II" peace officers, thereby making school police officers "category I" peace officers with unrestricted duties. (NRS 289.470) **Sections 29 and 41** of this bill revise provisions relating to the jurisdiction and training of school police officers. **Section 40** of this bill deems a board of trustees of a county school district that employs or appoints school police officers to be a "law enforcement agency" for the purposes of requiring such officers to wear portable event recording devices while on duty.

Existing law requires the principal of each public school to establish a plan to provide for the progressive discipline of pupils. (NRS 392.4644) **Section 32** of this bill revises such criteria by instead providing for restorative discipline. **Section 9** of this bill requires the Department to adopt requirements and methods for restorative discipline practices. **Section 33** of this bill authorizes, rather than requires, a pupil who is removed from school premises to be assigned to a temporary alternative placement.

Existing law authorizes the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. Existing law also requires the board

of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. (NRS 388A.378, 388A.384) **Section 34** of this bill enacts a similar provision for a private school, including certain institutions that are not required to be licensed pursuant to chapter 394 of NRS.

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

Section 1. 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. ***The information included pursuant to subsection 1 must allow such information to be disaggregated by:***

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. 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. 2. NRS 385A.250 is hereby amended to read as follows:

385A.250 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the discipline of pupils, including, without limitation:

(a) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(b) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(c) Records of the suspension ~~[and]~~ ***or*** expulsion ***, or both,*** of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(d) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(e) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district:

(1) The number of reported violations of NRS 388.135 occurring at a school or otherwise involving a pupil enrolled at a school, regardless of the outcome of the investigation conducted pursuant to NRS 388.1351;

(2) The number of incidents determined to be bullying or cyber-bullying after an investigation is conducted pursuant to NRS 388.1351;

(3) The number of incidents resulting in suspension or expulsion ***, or both,*** for bullying or cyber-bullying; and

(4) Any actions taken to reduce the number of incidents of bullying or cyber-bullying including, without limitation, training that was offered or other policies, practices and programs that were implemented.

(f) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, and for high schools in the district as a whole:

(1) The number and percentage of pupils whose violations of the code of honor relating to cheating prescribed pursuant to NRS 392.461 or any other code of honor applicable to pupils enrolled in high school were reported to the principal of the high school, reported by the type of violation;

(2) The consequences, if any, to the pupil whose violation is reported pursuant to subparagraph (1), reported by the type of consequence;

(3) The number of any such violations of a code of honor in a previous school year by a pupil whose violation is reported pursuant to subparagraph (1), reported by the type of violation; and

(4) The process used by the high school to address violations of a code of honor which are reported to the principal.

2. ***The information included pursuant to subsection 1 must allow such information to be disaggregated by:***

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

Sec. 3. NRS 385A.650 is hereby amended to read as follows:

385A.650 1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must:

(a) Include any information prescribed by regulation of the State Board; ~~[and]~~

(b) ***Include, without limitation, methods for evaluating and improving the school climate in the school; and***

(c) Comply with the provisions of 20 U.S.C. § 6311(d).

3. The principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

4. On or before the date prescribed by the Department, the principal of each school shall submit the plan or the revised plan, as applicable, to the:

(a) Department;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of the school district in which the school is located or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.

5. As used in this section, "school climate" means the basis of which to measure the relationships between pupils and the parents or legal guardians of pupils and educational personnel, the cultural and linguistic competence of instructional materials and educational personnel, the emotional and physical safety of pupils and educational personnel and the social, emotional and academic development of pupils and educational personnel.

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 7.5, inclusive, of this act.

Sec. 5. ***1. The Governor shall appoint a committee on statewide school safety. Appointments must be made to represent each of the geographic areas of the State.***

2. The committee must consist of:

(a) One representative of the Department of Education;

(b) One representative of the Department of Public Safety;

(c) One representative of the Division of Emergency Management of the Department of Public Safety;

(d) One representative of the Department of Health and Human Services;

(e) One representative who is a licensed teacher in this State;

(f) One representative who is the principal of a school in this State;

(g) One superintendent of a school district in this State;

(h) One school resource officer assigned to a school in this State;

(i) One person employed as a paraprofessional, as defined in NRS 391.008, by a school in this State;

(j) One school psychologist employed by a school in this State;

(k) One provider of mental health other than a psychologist who provides services to pupils at a school in this State;

(l) The State Fire Marshal or his or her designee;

(m) One parent or legal guardian of a pupil enrolled in a school in this State;

(n) At least two pupils enrolled in a school in this State; and

(o) Any other representative the Governor deems appropriate.

3. The committee shall:

(a) Establish methods which facilitate the ability of a pupil enrolled in a school in this State to express his or her ideas related to school safety and the well-being of pupils enrolled in schools in this State;

(b) Evaluate the impact of social media on school safety and the well-being of pupils enrolled in schools in this State; and

(c) Discuss and make recommendations to the Governor and the Department related to the findings of the committee.

4. As used in this section, "social media" has the meaning ascribed to it in NRS 232.003.

Sec. 6. *The Division of Emergency Management of the Department of Public Safety:*

1. Shall prepare a report regarding the extent to which:

(a) The board of trustees of each school district, governing body of a charter school and each public school has complied with the provisions of NRS 388.243 and 388.245; and

(b) Each private school has complied with the provisions of NRS 394.1687 and 394.1688;

2. Shall, on or before January 1 of each year, submit the report prepared pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Committee on Education; and

3. May conduct on a random basis audits of any plan submitted pursuant to NRS 388.243 and 388.245.

Sec. 7. *1. The State Board shall develop nonbinding recommendations for the ratio of pupils to specialized instructional support personnel in this State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall develop a 15-year strategic plan to achieve the ratio of pupils to specialized instructional support personnel in the district.*

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per each type of specialized instructional support personnel in kindergarten and grades 1 to 12, inclusive;

(b) Be based on evidence-based national standards; and

(c) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners.

3. As used in this section, "specialized instructional support personnel" includes persons employed by each school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

(a) A school counselor;

(b) A school psychologist;

(c) A school social worker;

(d) A school nurse;

(e) A speech-language pathologist;

(f) A school library media specialist; and

(g) Any other qualified professional.

Sec. 7.5. *1. The superintendent of schools of each school district shall designate an employee at the district level to serve as the school safety specialist for the district. The principal of each charter school shall designate an employee to serve as the school safety specialist for the charter school. Not later than 1 year after being designated pursuant to this subsection, a school safety specialist shall complete the training provided by the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1323.*

2. A school safety specialist shall:

(a) Review policies and procedures of the school district or charter school, as applicable, that relate to school safety to determine whether those policies and procedures comply with state laws and regulations;

(b) Ensure that each school employee who interacts directly with pupils as part of his or her job duties receives information concerning mental health services available in the school district or charter school, as applicable, and persons to contact if a pupil needs such services;

(c) Ensure the provision to school employees and pupils of appropriate training concerning:

(1) Mental health;

(2) Emergency procedures, including, without limitation, the plan developed pursuant to NRS 388.243; and

(3) Other matters relating to school safety and security;

(d) Annually conduct a school security risk assessment and submit the school security risk assessment to the Office for a Safe and Respectful Learning Environment for review pursuant to NRS 388.1323;

(e) Present ~~[the findings]~~ a summary of the school security risk assessment conducted pursuant to paragraph (d) and any recommendations to improve school safety and security based on the assessment at a public meeting of the board of trustees of the school district or governing body of the charter school, as applicable;

(f) Not later than 30 days after the meeting described in paragraph (e), provide to the Director a summary of the ~~[findings of the]~~ school security risk assessment, any recommendations to improve school safety and security

based on the assessment and any actions taken by the board of trustees or governing body, as applicable, based on those recommendations;

(g) Serve as the liaison for the school district or charter school, as applicable, with local public safety agencies, other governmental agencies, nonprofit organizations and the public regarding matters relating to school safety and security;

(h) At least once every 3 years, provide a tour of each school in the district or the charter school, as applicable, to employees of public safety agencies that are likely to be first responders to a crisis, emergency or suicide at the school; and

(i) Provide a written record to the board of trustees of the school district or the governing body of the charter school, as applicable, of any recommendations made by an employee of a public safety agency as a result of a tour provided pursuant to paragraph (h). The board of trustees or governing body, as applicable, shall maintain a record of such recommendations.

3. In a school district in a county whose population is 100,000 or more, the school safety specialist shall collaborate with the emergency manager designated pursuant to NRS 388.262 where appropriate in the performance of the duties prescribed in subsection 2.

4. As used in this section:

(a) "Crisis" has the meaning ascribed to it in NRS 388.231.

(b) "Emergency" has the meaning ascribed to it in NRS 388.233.

Sec. 8. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, ***and section 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

Sec. 9. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the governing bodies, educational personnel, local associations and organizations of parents whose children are enrolled in schools throughout this State, and individual parents and legal guardians whose children are enrolled in schools throughout this State, prescribe by regulation a policy for all school districts and schools to provide a safe and respectful learning environment that is free of bullying and cyber-bullying.

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135, including, without limitation, violations among teachers and violations between teachers and administrators, coaches and other personnel of a school district or school;

(b) Requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions; ~~[and]~~

(c) ***Requirements and methods for restorative disciplinary practices; and***

(d) A policy for use by school districts and schools to train members of the governing body and all administrators, teachers and all other personnel employed by the governing body. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils by eliminating the use of bullying and cyber-bullying so that pupils may realize their full academic and personal potential;

(2) Training in methods to prevent, identify and report incidents of bullying and cyber-bullying;

(3) Training concerning the needs of persons with diverse gender identities or expressions;

(4) Training concerning the needs of pupils with disabilities and pupils with autism spectrum disorder;

(5) Methods to promote a positive learning environment;

(6) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(7) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 10. NRS 388.1344 is hereby amended to read as follows:

388.1344 1. Each school safety team established pursuant to NRS 388.1343 must consist of the administrator of the school or his or her designee and the following persons appointed by the administrator:

(a) A school counselor ~~[,]~~ ***, school psychologist or social worker if the school employs a person in such a position full-time;***

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school; ~~[and]~~

(d) ***A school police officer or school resource officer if the school employs a person in such a position full-time;***

(e) For a middle school, junior high school or high school, one pupil enrolled in the school; and

(f) Any other persons appointed by the administrator.

2. The administrator of the school or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

(a) Meet at least two times each year;

(b) Identify and address patterns of bullying or cyber-bullying;

(c) Review and strengthen school policies to prevent and address bullying or cyber-bullying;

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying and cyber-bullying; and

(e) To the extent money is available, participate in any training conducted by the school district or school regarding bullying and cyber-bullying.

Sec. 11. NRS 388.1453 is hereby amended to read as follows:

388.1453 ~~[~~"Safe to Tell~~]~~ ***"SafeVoice*** Program" or "Program" means the ~~[~~Safe to Tell~~]~~ ***SafeVoice*** Program established within the Office for a Safe and Respectful Learning Environment pursuant to NRS 388.1455.

Sec. 12. NRS 388.1454 is hereby amended to read as follows:

388.1454 The Legislature hereby finds and declares that ~~[~~:

~~1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school is critical in preventing, responding to and recovering from such activities.~~

~~2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.~~

~~3. It~~~~]~~ ***it*** is the intent of the Legislature in enacting NRS 388.1451 to 388.1459, inclusive, to enable the people of this State to easily ~~[~~and anonymously~~]~~ provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school.

Sec. 13. NRS 388.1455 is hereby amended to read as follows:

388.1455 1. The Director shall establish the ~~[~~Safe to Tell~~]~~ ***SafeVoice*** Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report ~~[~~anonymously~~]~~ to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to ~~[~~paragraph (a) of~~]~~ subsection 2 and NRS 388.1458, must not be disclosed to any person.

2. The Program must include, without limitation, methods and procedures to ensure that:

(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies, the Department and other appropriate state agencies, school administrators and other school employees, including, without limitation, the teams appointed pursuant to NRS 388.14553; ~~[~~and~~]~~

(b) The identity of a person who reports information to the Program ~~[~~:

~~(1) Is not known by any person designated by the Director to operate the Program;~~

~~(2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and~~

~~(3) Is not disclosed to any person.~~] ***may remain anonymous, unless the policies established and regulations adopted pursuant to subsection 6 require the identity of such a person to be disclosed; and***

(c) The appropriate public safety agencies may access personally identifiable information concerning a pupil:

(1) To take the appropriate action in response to an activity or threat reported pursuant to this section;

(2) Twenty-four hours a day; and

(3) Subject to the confidentiality required pursuant to this section.

3. On behalf of the Program, the Director or his or her designee shall establish and operate a support center that meets the requirements of NRS 388.14557, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application or enter into an agreement with an organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will establish and operate such a support center, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application. The support center shall receive initial reports made to the Program through the hotline, Internet website, mobile telephone application and text messaging application and forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding:

(a) The Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

(b) Properly responding to a report received from the support center, including, without limitation, the manner in which to respond to reports of different types of dangerous, violent and unlawful activity and threats of such activity, to each member of a team appointed pursuant to NRS 388.14553.

(c) The procedure for making a report to the support center using the hotline, Internet website, mobile telephone application and text messaging application and collaborating to prevent dangerous, violent and unlawful activity directed at teachers and other members of the staff of a school, pupils, family members of pupils and other persons.

5. The Director shall:

(a) Post information concerning the Program on an Internet website maintained by the Director;

(b) Provide to each public school educational materials regarding the Program, including, without limitation, information about the telephone number, address of the Internet website, mobile telephone application, text messaging application and any other methods by which a report may be made; and

(c) On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on

Education a report containing a summary of the information reported to the Director pursuant to NRS 388.14557 during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the Program.

6. ***The Department shall establish policies and adopt regulations pursuant to subsection 2 relating to the disclosure of the identity of a person who reports information to the Program. The regulations must include, without limitation, the disclosure of the identity of a person who reported information to the Program:***

(a) To ensure the safety and well-being of the person who reported information to the Program;

(b) To comply with the provisions of NRS 388.1351; or

(c) If the person knowingly reported false information to the Program.

7. As used in this section:

(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 14. NRS 388.1457 is hereby amended to read as follows:

388.1457 1. The ~~[Safe to Tell]~~ ***SafeVoice*** Program Account is hereby created in the State General Fund.

2. Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the ~~[Safe to Tell]~~ ***SafeVoice*** Program.

3. The Account must be administered by the Director, who may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and

(b) Expend any money received pursuant to paragraph (a) in accordance with subsection 2.

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

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

6. The Director shall:

(a) Post on the Internet website maintained by the Department a list of each gift, donation, bequest, grant or other source of money, if any, received pursuant to subsection 3 for deposit in the Account and the name of the donor of each gift, donation, bequest, grant or other source of money;

(b) Update the list annually; and

(c) On or before February 1 of each year, transmit the list prepared for the immediately preceding year:

(1) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(2) In even-numbered years, to the Legislative Committee on Education.

Sec. 15. NRS 388.1458 is hereby amended to read as follows:

388.1458 1. Except as otherwise provided in this section or as otherwise authorized pursuant to ~~[paragraph (a) of]~~ subsection 2 of NRS 388.1455, a person must not be compelled to produce or disclose any record or information provided to the ~~[Safe to Tell]~~ ***SafeVoice*** Program.

2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the Program. A defendant in a criminal action who files such a motion shall serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness ~~[.]~~ ***and unless otherwise authorized by subsection 2 of NRS 388.1455,*** the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the ~~[Safe to Tell]~~ ***SafeVoice*** Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the ~~[Safe to Tell]~~ ***SafeVoice*** Program.

Sec. 16. NRS 388.1459 is hereby amended to read as follows:

388.1459 Except as otherwise provided in NRS 388.1458 or as otherwise authorized pursuant to ~~[paragraph (a) of]~~ subsection 2 of NRS 388.1455, the willful disclosure of a record or information of the ~~[Safe to Tell]~~ ***SafeVoice*** Program, including, without limitation, the identity of a person who reported information to the Program, or the willful neglect or refusal to obey any court order made pursuant to NRS 388.1458, is punishable as criminal contempt.

Sec. 17. NRS 388.229 is hereby amended to read as follows:

388.229 As used in NRS 388.229 to 388.266, inclusive, ***and section 6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.231 to 388.2359, inclusive, have the meanings ascribed to them in those sections.

Sec. 18. NRS 388.2358 is hereby amended to read as follows:

388.2358 "School resource officer" means a ***school police officer,*** deputy sheriff or other peace officer employed by a local law enforcement agency who is assigned to duty at one or more schools, interacts directly with pupils and

whose responsibilities include, without limitation, providing guidance and information to pupils, families and educational personnel concerning the avoidance and prevention of crime.

Sec. 19. NRS 388.241 is hereby amended to read as follows:

388.241 1. The board of trustees of each school district shall establish a development committee to develop one plan ***, which constitutes the minimum requirements of a plan,*** to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide. The governing body of each charter school shall establish a development committee to develop a plan ***, which constitutes the minimum requirements of a plan,*** to be used by the charter school in responding to a crisis, emergency or suicide.

2. The membership of a development committee must consist of:

(a) At least one member of the board of trustees or of the governing body that established the committee;

(b) At least one administrator of a school in the school district or of the charter school;

(c) At least one licensed teacher of a school in the school district or of the charter school;

(d) At least one employee of a school in the school district or of the charter school who is not a licensed teacher and who is not responsible for the administration of the school;

(e) At least one parent or legal guardian of a pupil who is enrolled in a school in the school district or in the charter school;

(f) At least one representative of a local law enforcement agency in the county in which the school district or charter school is located;

(g) At least one school police officer, including, without limitation, a chief of school police of the school district if the school district has school police officers; ~~[and]~~

(h) At least one representative of a state or local organization for emergency management ~~[.]~~ ***; and***

(i) At least one mental health professional, including, without limitation:

(1) A counselor of a school in the school district or of the charter school;

(2) A psychologist of a school in the school district or of the charter school; or

(3) A licensed social worker of a school in the school district or of the charter school.

3. The membership of a development committee may also include any other person whom the board of trustees or the governing body deems appropriate, including, without limitation:

(a) ~~[A counselor of a school in the school district or of the charter school;~~

~~(b) A psychologist of a school in the school district or of the charter school;~~

~~(c) A licensed social worker of a school in the school district or of the charter school;~~

~~(d)~~ A pupil in grade 10 or higher of a school in the school district or a pupil in grade 10 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

~~(e)~~ ***(b)*** An attorney or judge who resides or works in the county in which the school district or charter school is located.

4. The board of trustees of each school district and the governing body of each charter school shall determine the term of each member of the development committee that it establishes. Each development committee may adopt rules for its own management and government.

Sec. 20. NRS 388.243 is hereby amended to read as follows:

388.243 1. Each development committee established by the board of trustees of a school district shall develop one plan ***, which constitutes the minimum requirements of a plan,*** to be used by all the public schools other than the charter schools in the school district in responding to a crisis, emergency or suicide. Each development committee established by the governing body of a charter school shall develop a plan ***, which constitutes the minimum requirements of a plan,*** to be used by the charter school in responding to a crisis, emergency or suicide. Each development committee shall, when developing the plan:

(a) Consult with local social service agencies and local public safety agencies in the county in which its school district or charter school is located.

(b) If the school district has an emergency manager designated pursuant to NRS 388.262, consult with the emergency manager.

(c) If the school district has school resource officers, consult with the school resource officer or a person designated by him or her.

(d) If the school district has school police officers, consult with the chief of school police of the school district or a person designated by him or her.

(e) Consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(f) ***Consult with the State Fire Marshal or his or her designee and a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety.***

(g) Determine which persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that could be made available to assist pupils and staff in recovering from a crisis, emergency or suicide.

2. The plan developed pursuant to subsection 1 must include, without limitation:

(a) The plans, procedures and information included in the model plan developed by the Department pursuant to NRS 388.253;

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in

immediate physical harm to a pupil or employee of a school in the school district or the charter school;

(c) A procedure for enforcing discipline within a school in the school district or the charter school and for obtaining and maintaining a safe and orderly environment during a crisis or an emergency;

(d) The names of persons and organizations in the community, including, without limitation, a provider of mental health services which is operated by a state or local agency, that are available to provide counseling and other services to pupils and staff of the school to assist them in recovering from a crisis, emergency or suicide; ~~[and]~~

(e) A plan for making the persons and organizations described in paragraph (d) available to pupils and staff after a crisis, emergency or suicide ~~[.]~~ ***;***

(f) A procedure for responding to a crisis or an emergency that occurs during an extracurricular activity which takes place on school grounds;

(g) A plan which includes strategies to assist pupils and staff at a school in recovering from a suicide; and

(h) A description of the organizational structure which ensures there is a clearly defined hierarchy of authority and responsibility used by the school for the purpose of responding to a crisis, emergency or suicide.

3. Each development committee shall provide a copy of the plan that it develops pursuant to this section to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

4. ***The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for approval to the Division of Emergency Management of the Department of Public Safety the plan developed pursuant to this section.***

5. Except as otherwise provided in NRS 388.249 and 388.251, each public school must comply with the plan developed for it pursuant to this section.

Sec. 21. NRS 388.245 is hereby amended to read as follows:

388.245 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 388.243. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. Each development committee shall provide an updated copy of the plan to the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee.

3. ***On or before July 1 of each year, the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for approval to the***

Division of Emergency Management of the Department of Public Safety the plan updated pursuant to subsection 1.

4. The board of trustees of each school district and the governing body of each charter school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at each school in its school district or at its charter school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.229 to 388.266, inclusive, ***and section 6 of this act*** at each school in its school district or at its charter school;

(d) Retain a copy of each plan developed pursuant to NRS 388.243, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 388.251;

(e) Provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school district or charter school is located; ***and***

(2) ~~[The Division of Emergency Management of the Department of Public Safety; and~~

~~(3)]~~ The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 388.243 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of a school who is included in the plan;

(g) Provide a copy of each deviation approved pursuant to NRS 388.251 as soon as practicable to:

(1) The Department;

(2) A local public safety agency in the county in which the school district or charter school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of a school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school district or of the charter school, including, without limitation, training concerning drills for evacuating and securing schools.

~~[4.]~~ ***5.*** The board of trustees of each school district and the governing body of each charter school may apply for and accept gifts, grants and contributions from any public or private source to carry out the provisions of NRS 388.229 to 388.266, inclusive ~~[.]~~ ***, and section 6 of this act.***

Sec. 22. NRS 388.247 is hereby amended to read as follows:

388.247 1. The principal of each public school shall establish a school committee to review the plan developed ~~[for the school]~~ pursuant to NRS 388.243 ~~[.]~~ ***and make recommendations pursuant to NRS 388.249.***

2. The membership of a school committee must consist of:

(a) The principal of the school;

(b) Two licensed employees of the school;

(c) One employee of the school who is not a licensed employee and who is not responsible for the administration of the school;

(d) One school police officer of the school if the school has school police officers; and

(e) One parent or legal guardian of a pupil who is enrolled in the school.

3. The membership of a school committee may also include any other person whom the principal of the school deems appropriate, including, without limitation:

(a) A member of the board of trustees of the school district in which the school is located or a member of the governing body of the charter school;

(b) A counselor of the school;

(c) A psychologist of the school;

(d) A licensed social worker of the school;

(e) A representative of a local law enforcement agency in the county, city or town in which the school is located; ~~[and]~~

(f) ***The State Fire Marshal or his or her designee or a representative of a local government responsible for enforcement of the ordinances, codes or other regulations governing fire safety; and***

(g) A pupil in grade ~~[10]~~ ***7*** or higher from the school if the school includes grade ~~[10]~~ ***7*** or higher.

4. The principal of a public school, including, without limitation, a charter school, shall determine the term of each member of the school committee. Each school committee may adopt rules for its own management and government.

Sec. 23. NRS 388.249 is hereby amended to read as follows:

388.249 1. Each school committee shall, at least once each year, review the plan developed ~~[for the school]~~ pursuant to NRS 388.243 and determine whether the school should deviate from the plan.

2. Each school committee shall, when reviewing the plan ***:*** ~~[, consult with:]~~

(a) ~~[The]~~ ***Consult with the*** local social service agencies and law enforcement agencies in the county, city or town in which its school is located.

(b) ~~[The]~~ ***Consult with the*** director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

(c) Consider the specific needs and characteristics of the school, including, without limitation, the length of time for law enforcement to

respond to the school and for a fire-fighting agency to respond to a fire, explosion or other similar emergency.

3. If a school committee determines that the school should deviate from the plan, the school committee shall notify the development committee that developed the plan, describe the proposed deviation and explain the reason for the proposed deviation. The school may deviate from the plan only if the deviation is approved by the development committee pursuant to NRS 388.251.

4. Each public school shall post at the school a notice of the completion of each review that the school committee performs pursuant to this section.

Sec. 24. NRS 388.253 is hereby amended to read as follows:

388.253 1. The Department shall, with assistance from other state agencies, including, without limitation, the Division of Emergency Management, the Investigation Division, and the Nevada Highway Patrol Division of the Department of Public Safety, develop a model plan for the management of:

(a) A suicide; or

(b) A crisis or emergency that involves a public school or a private school and that requires immediate action.

2. The model plan must include, without limitation, a procedure for:

(a) In response to a crisis or emergency:

(1) Coordinating the resources of local, state and federal agencies, officers and employees, as appropriate;

(2) Accounting for all persons within a school;

(3) Assisting persons within a school in a school district, a charter school or a private school to communicate with each other;

(4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

(5) Assisting pupils of a school in the school district, a charter school or a private school, employees of such a school and relatives of such pupils and employees to move safely within and away from the school, including, without limitation, a procedure for evacuating the school and a procedure for securing the school;

(6) Reunifying a pupil with his or her parent or legal guardian;

(7) Providing any necessary medical assistance;

(8) Recovering from a crisis or emergency;

(9) Carrying out a lockdown at a school; ~~[and]~~

(10) Providing shelter in specific areas of a school; ***and***

(11) Providing disaster behavioral health related to a crisis, emergency or suicide;

(b) Providing specific information relating to managing a crisis or emergency that is a result of:

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

(4) ***An incident involving a fire, explosion or other similar situation;***

(5) An outbreak of disease;

~~[(5)]~~ ***(6)*** Any threat or hazard identified in the hazard mitigation plan of the county in which the school district is located, if such a plan exists; or

~~[(6)]~~ ***(7)*** Any other situation, threat or hazard deemed appropriate;

(c) Providing pupils and staff at a school that has experienced a crisis, emergency or suicide with access to counseling and other resources to assist in recovering from the crisis, emergency or suicide; ~~[and]~~

(d) Evacuating pupils and employees of a charter school to a designated space within an identified public middle school, junior high school or high school in a school district that is separate from the general population of the school and large enough to accommodate the charter school, and such a space may include, without limitation, a gymnasium or multipurpose room of the public school ~~[.]~~ ***;***

(e) Selecting an assessment tool which assists in responding to a threat against the school by a pupil or pupils; and

(f) On an annual basis, providing drills to instruct pupils in the appropriate procedures to be followed in response to a crisis or an emergency. Such drills must occur:

(1) At different times during normal school hours; and

(2) In cooperation with other state agencies, pursuant to this section.

3. In developing the model plan, the Department shall consider the plans developed pursuant to NRS 388.243 and 394.1687 and updated pursuant to NRS 388.245 and 394.1688.

4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2 is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.

5. The Department may disseminate to any appropriate local, state or federal agency, officer or employee, as the Department determines is necessary:

(a) The model plan developed by the Department pursuant to subsection 1;

(b) A plan developed pursuant to NRS 388.243 or updated pursuant to NRS 388.245;

(c) A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688; and

(d) A deviation approved pursuant to NRS 388.251 or 394.1692.

6. The Department shall, at least once each year, review and update as appropriate the model plan developed pursuant to subsection 1.

Sec. 25. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed ***or approved*** pursuant to NRS 388.243 or updated ***or approved*** pursuant to NRS 388.245, a deviation and any information submitted to a development committee pursuant to NRS 388.249, a deviation approved pursuant to NRS 388.251 and the model plan developed pursuant to NRS 388.253 are confidential and, except as otherwise provided in NRS 239.0115 and NRS 388.229 to 388.266, inclusive, ***and section 6 of this act*** must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 26. NRS 388.261 is hereby amended to read as follows:

388.261 The provisions of chapter 241 of NRS do not apply to a meeting of:

1. A development committee;
2. A school committee;
3. The State Board if the meeting concerns a regulation adopted pursuant to NRS 388.255; ~~[or]~~
4. The Department ***of Education*** if the meeting concerns the model plan developed pursuant to NRS 388.253 ~~[.]~~ ***; or***
5. ***The Division of Emergency Management of the Department of Public Safety if the meeting concerns the approval of a plan developed pursuant to NRS 388.243 or the approval of a plan updated pursuant to NRS 388.245.***

Sec. 27. NRS 388.265 is hereby amended to read as follows:

388.265 1. The Department of Education shall, at least once each year, coordinate with the Division of Emergency Management of the Department of Public Safety, any emergency manager designated pursuant to NRS 388.262, any chief of police of a school district that has police officers and any school resource officer to conduct a conference regarding safety in public schools.

2. The board of trustees of each school district shall designate persons to attend the conference held pursuant to subsection 1. The persons so designated must include, without limitation:

(a) An administrator from the school district;

(b) If the school district has school resource officers, a school resource officer or a person designated by him or her;

(c) If the school district has school police officers, the chief of school police of the school district or a person designated by him or her; and

(d) If the school district has an emergency manager designated pursuant to NRS 388.262, the emergency manager.

3. The conference conducted pursuant to subsection 1 may be attended by:

(a) A licensed teacher of a school or charter school;

(b) Educational support personnel employed by a school district or charter school;

(c) The parent or legal guardian of a pupil who is enrolled in a public school; ~~[and]~~

(d) An employee of a local law enforcement agency ~~[.]~~ ***; and***

(e) A person employed or appointed to serve as a school police officer.

4. The State Public Charter School Authority shall annually, at a designated meeting of the State Public Charter School Authority or at a workshop or conference coordinated by the State Public Charter School Authority, discuss safety in charter schools. The governing body of each charter school shall designate persons to attend a meeting, workshop or conference at which such a discussion will take place pursuant to this subsection.

Sec. 28. NRS 388.885 is hereby amended to read as follows:

388.885 1. The Department shall, to the extent money is available, establish a statewide framework for providing and coordinating integrated student supports for pupils enrolled in public schools and the families of such pupils. The statewide framework must:

(a) Establish minimum standards for the provision of integrated student supports by school districts and charter schools. Such standards must be designed to allow a school district or charter school the flexibility to address the unique needs of the pupils enrolled in the school district or charter school.

(b) Establish a protocol for providing and coordinating integrated student supports. Such a protocol must be designed to:

(1) Support a school-based approach to promoting the success of all pupils by establishing a means to identify barriers to academic achievement and educational attainment of all pupils and ~~[a method]~~ ***methods*** for intervening and providing ~~[coordinated]~~ ***integrated student*** supports ***which are coordinated*** to reduce those barriers ~~[.]~~ ***, including, without limitation, methods for:***

(I) Engaging the parents and guardians of pupils;

(II) Assessing the social, emotional and academic development of pupils;

(III) Attaining appropriate behavior from pupils; and

(IV) Screening, intervening and monitoring the social, emotional and academic progress of pupils;

(2) Encourage the provision of education in a manner that is centered around pupils and their families and is culturally and linguistically appropriate;

(3) Encourage providers of integrated student supports to collaborate to improve academic achievement and educational attainment, including, without limitation, by:

(I) Engaging in shared decision-making;

(II) Establishing a referral process that reduces duplication of services and increases efficiencies in the manner in which barriers to academic achievement and educational attainment are addressed by such providers; and

(III) Establishing productive working relationships between such providers;

(4) Encourage collaboration between the Department and local educational agencies to develop training regarding:

(I) Best practices for providing integrated student supports;

(II) Establishing effective integrated student support teams comprised of persons or governmental entities providing integrated student supports;

(III) Effective communication between providers of integrated student supports; and

(IV) Compliance with applicable state and federal law; and

(5) Support statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development and advocacy to improve access to integrated student supports and expand upon existing integrated student supports that address the physical, emotional and educational needs of pupils.

(c) Include integration and coordination across school- and community-based providers of integrated student support services through the establishment of partnerships and systems that support this framework.

(d) Establish accountability standards for each administrator of a school to ensure the provision and coordination of integrated student supports.

2. The board of trustees of each school district and the governing body of each charter school shall:

(a) Annually conduct a needs assessment for pupils enrolled in the school district or charter school, as applicable, to identify the academic and nonacademic supports needed within the district or charter school. The board of trustees of a school district or the governing body of a charter school shall be deemed to have satisfied this requirement if the board of trustees or the governing body has conducted such a needs assessment for the purpose of complying with any provision of federal law or any other provision of state law that requires the board of trustees or governing body to conduct such a needs assessment.

(b) Ensure that mechanisms for data-driven decision-making are in place and the academic progress of pupils for whom integrated student supports have been provided is tracked.

(c) Ensure integration and coordination between providers of integrated student supports.

(d) To the extent money is available, ensure that pupils have access to social workers, mental health workers, counselors, psychologists, nurses, speech-language pathologists, audiologists and other school-based specialized instructional support personnel or community-based medical or behavioral providers of health care.

3. Any request for proposals issued by a local educational agency for integrated student supports must include provisions requiring a provider of integrated student supports to comply with the protocol established by the Department pursuant to subsection 1.

4. As used in this section, ~~[~~"support"~~]~~ ***"integrated student support"*** means any measure designed to assist a pupil in ~~[~~improving~~]~~ ***:***

(a) Improving his or her academic achievement and educational attainment and maintaining stability and positivity in his or her life ~~[.]~~ ***; and***

(b) His or her social, emotional and academic development.

Sec. 29. NRS 391.282 is hereby amended to read as follows:

391.282 1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to NRS 388A.384, all property, buildings and facilities in which the charter school is located, for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities ~~[when]~~ ***:***

(1) When in hot pursuit of a person believed to have committed a crime; ***or***

(2) While investigating matters that originated within the jurisdiction of the school police officer relating to personnel, pupils or real or personal property of the school district;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) ~~[When authorized by the superintendent of schools of the school district, on]~~ ***On*** the streets that are adjacent to the school property, buildings and facilities within the school district ~~[for the purpose of issuing traffic citations for]~~ ***to enforce*** violations of traffic laws and ordinances ***.*** ~~[during the times that the school is in session or school-related activities are in progress.]~~

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

Sec. 30. 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]~~ ***3*** 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. 31. NRS 392.450 is hereby amended to read as follows:

392.450 1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a lockdown, fire or other emergency. Not more than three of the drills provided pursuant to this subsection may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. At least one-half of the drills provided pursuant to this subsection must include instruction in appropriate procedures to be followed in the event of a lockdown.

2. In all cities or towns, the drills required by subsection 1 must be approved by the chief of the fire department of the city or town, if the city or

town has a regularly organized, paid fire department or voluntary fire department ~~[.]~~ ***, and must be conducted in accordance with any applicable fire code and any direction from the State Fire Marshal.*** In addition, the drills in each school must be conducted under the supervision of the:

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school in a county whose population is less than 100,000; or

(b) Emergency manager designated pursuant to NRS 388.262 in a county whose population is 100,000 or more.

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall ~~[cause]~~ ***:***

(a) Cause the provisions of this section to be enforced ~~[.]~~ ***; and***

(b) Ensure the drills provided pursuant to subsection 1 occur at different times during normal school hours.

5. Any violation of the provisions of this section is a misdemeanor.

6. As used in this section, "lockdown" has the meaning ascribed to it in NRS 388.2343.

Sec. 32. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The principal of each public school shall establish a plan to provide for the ~~[progressive]~~ ***restorative*** discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(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 school.

(d) ***Provide restorative disciplinary practices which include, without limitation:***

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil.

(e) 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)]~~ ***(f)*** Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary;

(c) Post a copy of the plan or the revised plan, as applicable, on the Internet website maintained by the school or school district;

(d) Distribute to each teacher 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.

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. 33. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this

section ~~[must]~~ ***may*** be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

Sec. 34. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a private school may contract with the board of trustees of the school district in which the private school is located for the provision of school police officers.

2. If the governing body of a private school makes a request to the board of trustees of the school district in which the private school is located for the provision of school police officers pursuant to subsection 1, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide the payment by the private school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers, including, without limitation, any other costs associated with providing the officers.

3. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of a private school and the board of trustees of the school district not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

4. A school district that enters into a contract pursuant to this section with the governing body of a private school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the private school pursuant to the contract.

5. As used in this section, "private school" means a school licensed pursuant to this chapter or an institution exempt from such licensing pursuant to NRS 394.211.

Sec. 35. NRS 394.168 is hereby amended to read as follows:

394.168 As used in NRS 394.168 to 394.1699, inclusive, ***and section 34 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 394.1681 to 394.1684, inclusive, have the meanings ascribed to them in those sections.

Sec. 36. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. ~~[Each]~~ ***On or before July 1 of each year, each*** development committee shall provide an updated copy of the plan to the governing body of the school.

3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at the school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.253 and 394.168 to 394.1699, inclusive, ***and section 34 of this act,*** at the school;

(d) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(e) ~~[Provide]~~ ***On or before July 1 of each year, provide*** a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(g) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The Department;

(2) A local public safety agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of the school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

4. As used in this section, "public safety agency" has the meaning ascribed to it in NRS 388.2345.

Sec. 37. NRS 244A.7645 is hereby amended to read as follows:

244A.7645 1. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is 100,000 or more, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county ~~*[,]*~~ and department, division or municipal court of a city or town that employs marshals within the county , ~~*[and school district if the school district has school police officers,]*~~ as applicable.

2. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is less than 100,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

(c) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the

county sheriff, metropolitan police department, police department of an incorporated city within the county ~~***[,]***~~ and department, division or municipal court of a city or town that employs marshals within the county ~~***[, and school district if the school district has school police officers,]***~~ as applicable.

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only:

(a) With respect to the telephone system for reporting an emergency:

(1) In a county whose population is 45,000 or more, to enhance the telephone system for reporting an emergency, including only:

(I) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(II) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(III) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system, including, without limitation, equipment and software that identify the number or location from which a call is made; and

(IV) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(2) In a county whose population is less than 45,000, to improve the telephone system for reporting an emergency in the county.

(b) With respect to purchasing and maintaining portable event recording devices and vehicular event recording devices, ~~[paying]~~ ***by an entity described in this paragraph to pay*** costs associated with the acquisition, maintenance, storage of data, upgrade and replacement of equipment and software necessary for the operation of portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices. ***Money may be expended pursuant to this paragraph for the purchase and maintenance of portable event recording devices or vehicular event recording devices only by:***

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) A department, division or municipal court of a city or town that employs marshals;

(5) A department of alternative sentencing; or

(6) A county school district that employs school police officers.

4. If the balance in the fund created in a county whose population is 100,000 or more pursuant to subsection 3 which has not been committed for expenditure exceeds $5,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the

unencumbered balance in the fund at the end of the next fiscal year does not exceed $5,000,000.

5. If the balance in the fund created in a county whose population is 45,000 or more but less than 100,000 pursuant to subsection 3 which has not been committed for expenditure exceeds $1,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed $1,000,000.

6. If the balance in the fund created in a county whose population is less than 45,000 pursuant to subsection 3 which has not been committed for expenditure exceeds $500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed $500,000.

Sec. 38. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. Subject to the provisions of NRS 258.070, constables and their deputies;

3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

9. ~~[School police officers employed by the board of trustees of any county school district;~~

~~10.]~~ Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

~~[11.]~~ ***10.*** Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

~~[12.]~~ ***11.*** Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

~~[13.]~~ ***12.*** Legislative police officers of the State of Nevada;

~~[14.]~~ ***13.*** Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

~~[15.]~~ ***14.*** Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~[16.]~~ ***15.*** Field investigators of the Taxicab Authority;

~~[17.]~~ ***16.*** Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~[18.]~~ ***17.*** The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~[19.]~~ ***18.*** Criminal investigators who are employed by the Secretary of State; and

~~[20.]~~ ***19.*** The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 39. NRS 289.480 is hereby amended to read as follows:

289.480 "Category III peace officer" means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. The term does not include a person described in subsection ~~[20]~~ ***19*** of NRS 289.470.

Sec. 40. NRS 289.830 is hereby amended to read as follows:

289.830 1. A law enforcement agency shall require uniformed peace officers that it employs and who routinely interact with the public to wear a portable event recording device while on duty. Each law enforcement agency shall adopt policies and procedures governing the use of portable event recording devices, which must include, without limitation:

(a) Except as otherwise provided in paragraph (d), requiring activation of a portable event recording device whenever a peace officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a uniformed peace officer and a member of the public;

(b) Except as otherwise provided in paragraph (d), prohibiting deactivation of a portable event recording device until the conclusion of a law enforcement or investigative encounter;

(c) Prohibiting the recording of general activity;

(d) Protecting the privacy of persons:

(1) In a private residence;

(2) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; or

(3) Claiming to be a victim of a crime;

(e) Requiring that any video recorded by a portable event recording device must be retained by the law enforcement agency for not less than 15 days; and

(f) Establishing disciplinary rules for peace officers who:

(1) Fail to operate a portable event recording device in accordance with any departmental policies;

(2) Intentionally manipulate a video recorded by a portable event recording device; or

(3) Prematurely erase a video recorded by a portable event recording device.

2. Any record made by a portable event recording device pursuant to this section is a public record which may be:

(a) Requested only on a per incident basis; and

(b) Available for inspection only at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. As used in this section:

(a) "Law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) A department, division or municipal court of a city or town that employs marshals; ~~[or]~~

(5) The Nevada Highway Patrol ~~[.]~~ ***; or***

(6) A board of trustees of any county school district that employs or appoints school police officers.

(b) "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.

Sec. 41. NRS 432B.610 is hereby amended to read as follows:

432B.610 1. The Peace Officers' Standards and Training Commission shall:

(a) Require each category I peace officer to complete a program of training for the detection and investigation of and response to cases of sexual abuse or sexual exploitation of children under the age of 18 years.

(b) Not certify any person as a category I peace officer unless the person has completed the program of training required pursuant to paragraph (a).

(c) Establish a program to provide the training required pursuant to paragraph (a).

(d) Adopt regulations necessary to carry out the provisions of this section.

2. As used in this section, "category I peace officer" means:

(a) Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;

(b) Personnel of the Nevada Highway Patrol whose principal duty is to enforce one or more laws of this State, and any person promoted from such a duty to a supervisory position related to such a duty;

(c) Marshals, police officers and correctional officers of cities and towns;

(d) Members of the Police Department of the Nevada System of Higher Education;

(e) Employees of the Division of State Parks of the State Department of Conservation and Natural Resources designated by the Administrator of the Division who exercise police powers specified in NRS 289.260;

(f) The Chief, investigators and agents of the Investigation Division of the Department of Public Safety; ~~[and]~~

(g) The personnel of the Department of Wildlife who exercise those powers of enforcement conferred by title 45 and chapter 488 of NRS ~~[.]~~ ***; and***

(h) School police officers employed or appointed by the board of trustees of any county school district.

Sec. 42. A person employed or appointed as a school police officer before July 1, 2019, must be certified by the Peace Officers' Standards and Training Commission as a category I officer on or before January 1, 2021.

Sec. 43. 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. 44. This act becomes effective on July 1, 2019.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 98.

Bill read third time.

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

Amendment No. 1065.

AN ACT relating to homeopathic medicine; changing the name of the Board of Homeopathic Medical Examiners to the Nevada Board of Homeopathic ~~[and Integrated Medicine]~~ **Medical** Examiners; ~~[increasing]~~ **revising** the ~~[number of members]~~ **membership** of the Board; revising the powers of the President of the Board; revising the fees relating to licensure and certification by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Homeopathic Medical Examiners is charged with regulating the practice of homeopathic medicine in this State. (NRS 630A.155) **Section 2** of this bill changes the name of the Board to the Nevada Board of Homeopathic ~~[and Integrated Medicine]~~ **Medical** Examiners. **Section 2** also ~~[increases]~~ **reduces** the number of members of the Board by one member for a total of ~~[eight]~~ **six** members. **Section 3** of this bill

requires that ~~[the additional]~~ **one** member **of the Board** be an advanced practitioner of homeopathy. **Section 1** of this bill makes conforming changes.

Existing law requires the Board to elect officers from among its membership, including a President. (NRS 630A.140) **Section 4** of this bill restricts voting by the President to only in the case of a tie. **Section 6** of this bill makes conforming changes.

Under existing law, applicants and licensees are required to pay certain fees related to licensure or certification by the Board. (NRS 630A.330) **Section 5** of this bill increases those fees ~~[.]~~ **and specifies separate maximum renewal fees for physicians, advanced practitioners of homeopathy and homeopathic assistants.**

Section 7 of this bill expires the terms of the current members of the Board of Homeopathic Medical Examiners on June 30, 2019, and requires the Governor to appoint ~~[eight]~~ **six** new members to the Nevada Board of Homeopathic ~~[and Integrated Medicine]~~ **Medical** Examiners as soon as practicable after July 1, 2019.

Existing law requires the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions in this State to determine whether the board or commission should be terminated, modified, consolidated or continued. (NRS 232B.210-232B.250) **Section 8** of this bill requires the Nevada Board of Homeopathic ~~[and Integrated Medicine]~~ **Medical** Examiners to report to the Sunset Subcommittee at the first and last meetings of the Sunset Subcommittee during the 2019-2021 biennium.

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

Section 1. NRS 630A.020 is hereby amended to read as follows:

630A.020 "Board" means the ***Nevada*** Board of Homeopathic Medical ***~~[and Integrated Medicine]~~*** Examiners.

Sec. 2. NRS 630A.100 is hereby amended to read as follows:

630A.100 The ***Nevada*** Board of Homeopathic Medical ***~~[and Integrated Medicine]~~*** Examiners consists of ~~[~~seven ***~~eight]~~*** ***six*** members appointed by the Governor. After the initial terms, the term of office of each member is 4 years.

Sec. 3. NRS 630A.110 is hereby amended to read as follows:

630A.110 1. ~~[Three]~~ ***Two*** members of the Board must be persons who are licensed to practice allopathic or osteopathic medicine in any state or country, the District of Columbia or a territory or possession of the United States, have been engaged in the practice of homeopathic medicine in this State for a period of more than 2 years preceding their respective appointments, are actually engaged in the practice of homeopathic medicine in this State and are residents of this State.

2. ***One member of the Board must be an advanced practitioner of homeopathy who holds a valid certificate granted by the Board pursuant to NRS 630A.293.***

3. One member of the Board must be a person who has resided in this State for at least 3 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

~~[3.]~~ ***4.*** The remaining ~~[three]~~ ***two*** members of the Board must be persons who:

(a) Are not licensed in any state to practice any healing art;

(b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any medical facility or facility for the dependent as defined in chapter 449 of NRS;

(d) Do not have a pecuniary interest in any matter pertaining to such a facility, except as a patient or potential patient; and

(e) Have resided in this State for at least 3 years.

~~[4.]~~ ***5.*** The members of the Board must be selected without regard to their individual political beliefs.

~~[5.]~~ ***6.*** As used in this section, "healing art" means any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition for the practice of which long periods of specialized education and training and a degree of specialized knowledge of an intellectual as well as physical nature are required.

Sec. 4. NRS 630A.150 is hereby amended to read as follows:

630A.150 1. The Board shall meet at least twice annually and may meet at other times on the call of the President or a majority of its members.

2. A majority of the Board constitutes a quorum to transact all business.

3. The President may vote only in case of a tie.

Sec. 5. NRS 630A.330 is hereby amended to read as follows:

630A.330 1. Except as otherwise provided in subsection 6, each applicant for a license to practice homeopathic medicine must:

(a) Pay a fee of ~~[$500;]~~ ***$800;*** and

(b) Pay the cost of obtaining such further evidence and proof of qualifications as the Board may require pursuant to subsection 2 of NRS 630A.240.

2. Each applicant for a certificate as an advanced practitioner of homeopathy must:

(a) Pay a fee of ~~[$300;]~~ ***$500;*** and

(b) Pay the cost of obtaining such further evidence and proof of qualifications as the Board may require pursuant to NRS 630A.295.

3. Each applicant for a certificate as a homeopathic assistant must pay a fee of ~~[$150.]~~ ***$300.***

4. Each applicant for a license or certificate who fails an examination and who is permitted to be reexamined must pay a fee not to exceed ~~[$400]~~ ***$600*** for each reexamination.

5. If an applicant for a license or certificate does not appear for examination, for any reason deemed sufficient by the Board, the Board may, upon request, refund a portion of the application fee not to exceed 50 percent of the fee. There must be no refund of the application fee if an applicant appears for examination.

6. Each applicant for a license issued under the provisions of NRS 630A.310 or 630A.320 must pay a fee not to exceed ~~[$150,]~~ ***$400,*** as determined by the Board, and must pay a fee of ~~[$100]~~ ***$250*** for each renewal of the license.

7. The fee for the renewal of a license or certificate, as determined by the Board, ***must be collected for the year in which a physician, advanced practitioner of homeopathy or homeopathic assistant is licensed or certified and*** must not exceed ~~[$600 *$1,200* per year and must be collected for the year in which]~~ ***:***

(a) For a physician, ***$2,000 per year.***

(b) For an advanced practitioner of homeopathy ~~[or]~~ ***, $1,500 per year.***

(c) For a homeopathic assistant ~~[is licensed or certified.]~~ ***, $1,000 per year.***

8. The fee for the restoration of a suspended license or certificate is twice the amount of the fee for the renewal of a license or certificate at the time of the restoration of the license or certificate.

Sec. 6. NRS 630A.510 is hereby amended to read as follows:

630A.510 1. ~~[Any]~~ ***Except as otherwise provided in NRS 630A.150, any*** member of the Board who was not a member of the investigative committee, if one was appointed, may participate in the final order of the Board. If the Board, after notice and a hearing as required by law, determines that a violation of the provisions of this chapter or the regulations adopted by the Board has occurred, it shall issue and serve on the person charged an order, in writing, containing its findings and any sanctions imposed by the Board. If the Board determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the person that the charges have been dismissed.

2. If the Board finds that a violation has occurred, it may by order:

(a) Place the person on probation for a specified period on any of the conditions specified in the order.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person or exclude a method of treatment from the scope of his or her practice.

(d) Suspend the license or certificate of the person for a specified period or until further order of the Board.

(e) Revoke the person's license to practice homeopathic medicine or certificate to practice as an advanced practitioner of homeopathy or as a homeopathic assistant.

(f) Require the person to participate in a program to correct a dependence upon alcohol or a controlled substance, or any other impairment.

(g) Require supervision of the person's practice.

(h) Impose an administrative fine not to exceed $10,000.

(i) Require the person to perform community service without compensation.

(j) Require the person to take a physical or mental examination or an examination of his or her competence to practice homeopathic medicine or to practice as an advanced practitioner of homeopathy or as a homeopathic assistant, as applicable.

(k) Require the person to fulfill certain training or educational requirements.

3. The Board shall not administer a private reprimand.

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

Sec. 7. 1. The terms of the current members of the Board of Homeopathic Medical Examiners expire on June 30, 2019.

2. As soon as practicable after July 1, 2019, the Governor shall appoint to the Nevada Board of Homeopathic ~~[and Integrated Medicine]~~ **Medical** Examiners created pursuant to NRS 630A.100, as amended by section 2 of this act:

(a) ~~[Four]~~ **Three** members to serve initial terms that expire on June 30, 2021.

(b) ~~[Four]~~ **Three** members to serve initial terms that expire on June 30, 2023.

Sec. 8. The Nevada Board of Homeopathic ~~[and Integrated Medicine]~~ **Medical** Examiners created pursuant to NRS 630A.100, as amended by section 2 of this act, shall report on its progress in improving the functioning of the Board and its performance of its duties in compliance with the applicable statutes to the Sunset Subcommittee of the Legislative Commission at the first and last meetings of the Sunset Subcommittee during the 2019-2021 biennium.

Sec. 9. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for

the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 10. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name for which the agency or officer previously used; and

2. 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. 11. 1. This section and section 7 of this act become effective upon passage and approval.

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

Assemblywoman Spiegel moved the adoption of the amendment.

Remarks by Assemblywoman Spiegel.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 209.

Bill read third time.

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

Amendment No. 1066.

AN ACT relating to hemp; replacing the term "industrial hemp" with the term "hemp" and revising the definition thereof; requiring the Department of Health and Human Services to adopt regulations requiring the testing and labeling of certain commodities and products made using hemp and certain similar products which are intended for human consumption; prohibiting a person from selling or offering to sell such commodities or products unless the commodities or products satisfy certain standards relating to testing and labeling; authorizing the retesting of a crop of hemp ~~[or a commodity or product made using hemp]~~ that has failed certain tests prescribed by the State Department of Agriculture; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the growing and cultivation of industrial hemp for purposes relating to research and the growing and handling of industrial hemp and the production of agricultural hemp seed by persons registered with the

State Department of Agriculture. (Chapter 557 of NRS) On December 20, 2018, the President of the United States signed the Agricultural Improvement Act of 2018 into law. Section 10113 of the Act authorizes the production of hemp under the primary jurisdiction of a state or tribal government if the state or tribal government submits a plan to the United States Secretary of Agriculture that satisfies certain requirements. (Public Law 115-334) Because federal law now refers to plants of the genus Cannabis sativa L. with a THC concentration of not more than 0.3 percent as "hemp" rather than "industrial hemp," **sections** ~~[1-17]~~ **5-8 and 10-17** of this bill revise various sections of state law to use the term "hemp" for this plant and its derivatives.

Existing law authorizes the State Department of Agriculture to adopt certain regulations relating to the testing of crops of industrial hemp and commodities and products made using industrial hemp by an independent testing laboratory. (NRS 557.270) **Sections 12 and 13.5** of this bill divide the responsibility for the adoption of regulations relating to the testing of hemp and commodities and products made using hemp between the State Department of Agriculture and the Department of Health and Human Services. **Section 13.5** of this bill authorizes the Department of Health and Human Services to adopt regulations relating to the testing and labeling of commodities and products containing hemp and certain other products containing cannabidiol that are intended for human consumption. **Section 12 of this bill requires a grower or producer to submit, before harvesting, a sample of each crop of hemp to the State Department of Agriculture or an independent testing laboratory to determine the THC concentration of the crop.** **Section 12** ~~[of this bill]~~ authorizes the State Department of Agriculture to adopt regulations relating to ~~[the]~~ **such** testing **.** ~~[of all other hemp and all other commodities and products made using hemp.~~

~~Existing law authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp for certain purposes related to research. (NRS 557.070) Section 4 of this bill requires the State Board of Agriculture to adopt regulations requiring that any agricultural products made using hemp grown for such purposes which are intended for human consumption must be tested and labeled in accordance with regulations adopted by the Department for hemp grown for any other purpose.]~~

Existing law prohibits a handler of industrial hemp from selling a commodity or product made using industrial hemp which is intended for human consumption unless the product has been tested in accordance with protocols and procedures established by the State Department of Agriculture. (NRS 557.270) **Section 13.5** prohibits a person from selling or offering to sell such commodities or products unless the commodities or products satisfy the testing and labeling requirements set forth by the Department of Health and Human Services.

Existing law authorizes the State Department of Agriculture to adopt certain regulations relating to the testing of crops of industrial hemp and commodities and products made using industrial hemp by an independent testing laboratory.

(NRS 557.270) **Section 12** provides that a grower ~~[, handler]~~ or producer whose crop ~~[, commodity or product]~~ has failed a test prescribed by the State Department of Agriculture is authorized to submit that crop ~~[, commodity or product]~~ for retesting.

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

Section 1. ~~[NRS 557.020 is hereby amended to read as follows:~~

~~557.020 "Agricultural pilot program" means a program to study the growth, cultivation or marketing of [industrial] hemp.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 557.040 is hereby amended to read as follows:~~

~~557.040 ["Industrial hemp"]~~ ***"Hemp"*** ~~means the plant Cannabis sativa L. and any part of such plant,~~ ***including, without limitation, the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers,*** ~~whether growing or not, with a THC concentration [of not more than 0.3 percent on a dry weight basis.]~~ ***that does not exceed the maximum THC concentration established by federal law for hemp.]*** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 557.070 is hereby amended to read as follows:~~

~~557.070 1. An institution of higher education or the Department may grow or cultivate [industrial] hemp if the [industrial] hemp is grown or cultivated for:~~

~~(a) Purposes of research conducted under an agricultural pilot program; or~~

~~(b) Other agricultural or academic research.~~

~~2. Each site used for growing or cultivating [industrial] hemp in this State must be certified by and registered with the Department before growing or cultivating [industrial] hemp.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 557.080 is hereby amended to read as follows:~~

~~557.080~~ ~~*1.*~~ ~~The State Board of Agriculture may adopt regulations to carry out the provisions of NRS 557.010 to 557.080, inclusive, including, without limitation, regulations necessary to:~~

~~[1.]~~ ~~*(a)*~~ ~~Establish and carry out an agricultural pilot program;~~

~~[2.]~~ ~~*(b)*~~ ~~Provide for the certification and registration of sites used for growing or cultivating [industrial] hemp; and~~

~~[3.]~~ ~~*(c)*~~ ~~Restrict or prohibit the use or processing of [industrial] hemp for the creation, manufacture, sale or use of cannabidiol or any compound, salt, derivative, mixture or preparation of cannabidiol.~~

~~*2. If the regulations adopted pursuant to subsection 1 do not prohibit the use or processing of hemp for the sale or use of agricultural products which are intended for human consumption, the State Board of Agriculture shall adopt regulations requiring the testing and labeling of such products in accordance with the regulations adopted by the Department pursuant to NRS 557.270.*~~

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

~~*(a) "Agricultural product" has the meaning ascribed to it in NRS 576.0117.*~~

~~*(b) "Intended for human consumption" has the meaning ascribed to it in section 13.5 of this act.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 557.120 is hereby amended to read as follows:

557.120 "Crop" means all ~~[~~industrial~~]~~ hemp grown by a grower.

Sec. 6. NRS 557.140 is hereby amended to read as follows:

557.140 "Grower" means a person who is registered by the Department and produces ~~[~~industrial~~]~~ hemp.

Sec. 7. NRS 557.150 is hereby amended to read as follows:

557.150 "Handler" means a person who is registered by the Department pursuant to NRS 557.100 to 557.290, inclusive, and receives ~~[~~industrial~~]~~ hemp for processing into commodities, products or agricultural hemp seed.

Sec. 8. NRS 557.160 is hereby amended to read as follows:

557.160 1. ~~[~~"Industrial hemp"~~]~~ ***"Hemp"*** means ~~[~~:

~~(a) Any~~~~]~~ ***any*** plant of the genus Cannabis ***sativa L.*** and any part of such a plant ~~[~~other than a seed,~~]~~ ***, including, without limitation, the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers,*** whether growing or not, with a THC concentration ~~[~~of not more than 0.3 percent on a dry weight basis; and

~~(b) A seed of any plant of the genus Cannabis that:~~

~~(1) Is part of a crop;~~

~~(2) Is retained by a grower for future planting;~~

~~(3) Is agricultural hemp seed;~~

~~(4) Is intended for processing into or for use as agricultural hemp seed; or~~

~~(5) Has been processed in a manner that renders it incapable of germination.~~~~]~~ ***that does not exceed the maximum THC concentration established by federal law for hemp.***

2. ~~[~~"Industrial hemp"~~]~~ ***"Hemp"*** does not include any commodity or product made using ~~[~~industrial~~]~~ hemp.

Sec. 9. ~~[~~NRS 557.190 is hereby amended to read as follows:

~~557.190 The provisions of NRS 557.100 to 557.290, inclusive, do not apply to the Department or an institution of higher education which grows or cultivates [industrial] hemp pursuant to NRS 557.010 to 557.080, inclusive.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 557.200 is hereby amended to read as follows:

557.200 1. A person shall not grow or handle ~~[~~industrial~~]~~ hemp or produce agricultural hemp seed unless the person is registered with the Department as a grower, handler or producer, as applicable.

2. A person who wishes to grow or handle ~~[~~industrial~~]~~ hemp must register with the Department as a grower or handler, as applicable.

3. A person who wishes to produce agricultural hemp seed must register with the Department as a producer unless the person is:

(a) A grower registered pursuant to subsection 2 who retains agricultural hemp seed solely pursuant to subsection 3 of NRS 557.250; or

(b) A grower or handler registered pursuant to subsection 2 who processes seeds of any plant of the genus Cannabis which are incapable of germination into commodities or products.

➥ A person may not register as a producer unless the person is also registered as a grower or handler.

4. A person who wishes to register with the Department as a grower, handler or producer must submit to the Department the fee established pursuant to subsection 7 and an application, on a form prescribed by the Department, which includes:

(a) The name and address of the applicant;

(b) The name and address of the applicant's business in which ~~[industrial]~~ hemp or agricultural hemp seed will be grown, handled or produced, if different than that of the applicant; and

(c) Such other information as the Department may require by regulation.

5. Registration as a grower, handler or producer expires on December 31 of each year and may be renewed upon submission of an application for renewal containing such information as the Department may require by regulation.

6. Registration as a grower, handler or producer is not transferable. If a grower, handler or producer changes its business name or the ownership of the grower, handler or producer changes, the grower, handler or producer must obtain a new registration pursuant to NRS 557.100 to 557.290, inclusive.

7. The Department shall establish by regulation fees for the issuance and renewal of registration as a grower, handler or producer in an amount necessary to cover the costs of carrying out NRS 557.100 to 557.290, inclusive.

Sec. 11. NRS 557.250 is hereby amended to read as follows:

557.250 1. Each grower shall provide the Department with a description of the property on which the crop of the grower is or will be located. Such a description must be in a manner prescribed by the Department and include, without limitation, global positioning system coordinates.

2. A grower may use any method for the propagation of ~~[industrial]~~ hemp to produce ~~[industrial]~~ hemp, including, without limitation, planting seeds or starts, using clones or cuttings or cultivating ~~[industrial]~~ hemp in a greenhouse.

3. A grower may retain agricultural hemp seed for the purpose of propagating ~~[industrial]~~ hemp in future years.

Sec. 12. NRS 557.270 is hereby amended to read as follows:

557.270 1. A grower, handler or producer may submit ~~[industrial]~~ hemp or a commodity or product made using ~~[industrial]~~ hemp ***, other than a commodity or product*** ~~***[described in subsection 1 of section 13.5 of this act,]***~~ ***which is intended for human consumption,*** to an independent testing laboratory for testing pursuant to this section and an independent testing laboratory may perform such testing.

2. ~~[A handler may not sell a commodity or product made using industrial hemp which is intended for human consumption unless the commodity or product has been submitted to an independent testing laboratory for testing and the independent testing laboratory has confirmed that the commodity or product satisfies the standards established by the Department for the content and quality of industrial hemp.~~

~~3. The Department shall adopt regulations establishing protocols and procedures for the testing of *hemp and* commodities and products made using industrial hemp, *described in subsection 1,* including, without limitation, determining appropriate standards for sampling and for the size of batches for testing.~~

~~4. *3.*]~~ ***A grower or producer shall, before harvesting, submit a sample of each crop to the Department or an independent testing laboratory approved by the Department to determine whether the crop has a THC concentration established by federal law for hemp.*** The Department may adopt regulations ~~[requiring the submission of a sample of a crop of industrial hemp by a grower to an independent testing laboratory *approved by the Department* to determine whether the crop has a THC concentration of not more than 0.3 percent on a dry weight basis. *that does not exceed the maximum THC concentration established by federal law for hemp.* The regulations may]~~ ***relating to such testing which*** include, without limitation:

(a) Protocols and procedures for the testing of a crop, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing; and

(b) A requirement that an independent testing laboratory provide the results of the testing directly to the Department in a manner prescribed by the Department.

~~[5. *4.]*~~ ***3.*** ***Except as otherwise provided by federal law, a grower ~~[, handler]~~ or producer whose crop ~~[, hemp, commodity or product]~~ fails a test prescribed by the Department pursuant to this section may submit that same crop ~~[, hemp, commodity or product]~~ for retesting. The Department shall adopt regulations establishing protocols and procedures for such retesting.***

~~*[5.]*~~ ***4.*** As used in this section :

(a) "Independent ~~*[, "independent]*~~ testing laboratory" means a facility certified as an independent testing laboratory pursuant to NRS 453A.368.

(b) "Intended for human consumption" means intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.

Sec. 13. NRS 557.290 is hereby amended to read as follows:

557.290 Any person who grows or handles ~~[industrial]~~ hemp or produces agricultural hemp seed without being registered with the Department pursuant to NRS 557.200 is guilty of a misdemeanor and shall be punished 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. The prosecuting attorney and the Department may recover the costs of the proceeding, including

investigative costs and attorney's fees, against a person convicted of a misdemeanor pursuant to this section.

Sec. 13.5. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless federal law or regulation otherwise requires, a person shall not sell or offer to sell any commodity or product containing hemp which is intended for human consumption or any other commodity or product that purports to contain cannabidiol with a THC concentration that does not exceed the maximum THC concentration established by federal law for hemp unless such a commodity or product:

(a) Has been tested by an independent testing laboratory and meets the standards established by regulation of the Department pursuant to subsection 3; and

(b) Is labeled in accordance with the regulations adopted by the Department pursuant to subsection 3.

2. A person who produces or offers for sale a commodity or product described in subsection 1 may submit such a commodity or product to an independent testing laboratory for testing pursuant to this section and an independent testing laboratory may perform such testing.

3. The Department shall adopt regulations requiring the testing and labeling of any commodity or product described in subsection 1. Such regulations must:

(a) Set forth protocols and procedures for the testing of the commodities and products described in subsection 1; and

(b) Require that any commodity or product described in subsection 1 is labeled in a manner that is not false or misleading in accordance with the applicable provisions of chapters 446 and 585 of NRS.

4. As used in this section:

(a) "Hemp" has the meaning ascribed to it in NRS 557.160.

(b) "Independent testing laboratory" means a facility certified as an independent testing laboratory pursuant to NRS 453A.368.

(c) "Intended for human consumption" [~~means intended for ingestion or inhalation by a human or for topical application to the skin or hair of a human.~~] has the meaning ascribed to it in NRS 557.270.

(d) "THC" has the meaning ascribed to it in NRS 453A.155.

Sec. 14. NRS 453.096 is hereby amended to read as follows:

453.096 1. "Marijuana" means:

(a) All parts of any plant of the genus Cannabis, whether growing or not;

(b) The seeds thereof;

(c) The resin extracted from any part of the plant, including concentrated cannabis; and

(d) Every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

2. "Marijuana" does not include:

(a) ~~[Industrial hemp,]~~ ***Hemp,*** as defined in NRS ~~[557.040,]~~ ***557.160,*** which is grown or cultivated pursuant to the provisions of chapter 557 of NRS ~~[,]~~ ***or any commodity or product made using such hemp;*** or

(b) The mature stems of the plant, fiber produced from the stems, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stems (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Sec. 15. NRS 453.339 is hereby amended to read as follows:

453.339 1. 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 marijuana or concentrated cannabis shall be punished, if the quantity involved:

(a) Is 50 pounds or more, but less than 1,000 pounds, of marijuana or 1 pound or more, but less than 20 pounds, of concentrated cannabis, for a category C felony as provided in NRS 193.130 and by a fine of not more than $25,000.

(b) Is 1,000 pounds or more, but less than 5,000 pounds, of marijuana or 20 pounds or more, but less than 100 pounds, of concentrated cannabis, 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 by a fine of not more than $50,000.

(c) Is 5,000 pounds or more of marijuana or 100 pounds or more of concentrated cannabis, 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 5 years has been served; or

(2) 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 $200,000.

2. For the purposes of this section:

(a) "Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not, except for ~~[industrial]~~ hemp, as defined in NRS ~~[557.040,]~~ ***557.160,*** which is grown or cultivated pursuant to the provisions of chapter 557 of NRS ~~[,]~~ ***or any commodity or product made using such hemp.*** The term does not include concentrated cannabis.

(b) The weight of marijuana or concentrated cannabis is its weight when seized or as soon as practicable thereafter. If marijuana and concentrated cannabis are seized together, each must be weighed separately and treated as separate substances.

Sec. 16. NRS 453A.352 is hereby amended to read as follows:

453A.352 1. The operating documents of a medical marijuana establishment must include procedures:

(a) For the oversight of the medical marijuana establishment; and

(b) To ensure accurate recordkeeping, including, without limitation, the provisions of NRS 453A.354 and 453A.356.

2. Except as otherwise provided in this subsection, a medical marijuana establishment:

(a) That is a medical marijuana dispensary must have a single entrance for patrons, which must be secure, and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

(b) That is not a medical marijuana dispensary must have a single secure entrance and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

➥ The provisions of this subsection do not supersede any state or local requirements relating to minimum numbers of points of entry or exit, or any state or local requirements relating to fire safety.

3. A medical marijuana establishment is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to:

(a) Directly or indirectly assist patients who possess valid registry identification cards;

(b) Assist patients who possess valid registry identification cards or letters of approval by way of those patients' designated primary caregivers; and

(c) Return for a refund marijuana, edible marijuana products or marijuana-infused products to the medical marijuana establishment from which the marijuana, edible marijuana products or marijuana-infused products were acquired.

➥ For the purposes of this subsection, a person shall be deemed to be a patient who possesses a valid registry identification card or letter of approval if he or she qualifies for nonresident reciprocity pursuant to NRS 453A.364.

4. All cultivation or production of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked facility at the physical address provided to the Department during the registration process for the cultivation facility. Such an enclosed, locked facility must be accessible only by medical marijuana establishment agents who are lawfully associated with the cultivation facility, except that limited access by persons necessary to perform construction or repairs or provide other labor is permissible if such persons are supervised by a medical marijuana establishment agent.

5. A medical marijuana dispensary and a cultivation facility may acquire usable marijuana or marijuana plants from a person who holds a valid registry identification card, including, without limitation, a designated primary caregiver. Except as otherwise provided in this subsection, the patient or caregiver, as applicable, must receive no compensation for the marijuana. A patient who holds a valid registry identification card, and the designated primary caregiver of such a patient, or the designated primary caregiver of a person who holds a letter of approval may sell usable marijuana to a medical

marijuana dispensary one time and may sell marijuana plants to a cultivation facility one time.

6. A medical marijuana establishment shall not allow any person to consume marijuana on the property or premises of the establishment.

7. Medical marijuana establishments are subject to reasonable inspection by the Department at any time, and a person who holds a medical marijuana establishment registration certificate must make himself or herself, or a designee thereof, available and present for any inspection by the Department of the establishment.

8. A dual licensee, as defined in NRS 453D.030:

(a) Shall comply with the regulations adopted by the Department pursuant to paragraph (k) of subsection 1 of NRS 453D.200 with respect to the medical marijuana establishment operated by the dual licensee; and

(b) May, to the extent authorized by such regulations, combine the location or operations of the medical marijuana establishment operated by the dual licensee with the marijuana establishment, as defined in NRS 453D.030, operated by the dual licensee.

9. Each medical marijuana establishment shall install a video monitoring system which must, at a minimum:

(a) Allow for the transmission and storage, by digital or analog means, of a video feed which displays the interior and exterior of the medical marijuana establishment; and

(b) Be capable of being accessed remotely by a law enforcement agency in real-time upon request.

10. A medical marijuana establishment shall not dispense or otherwise sell marijuana, edible marijuana products or marijuana-infused products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises of the medical marijuana establishment.

11. If a medical marijuana establishment is operated by a dual licensee, as defined in NRS 453D.030, any provision of this section which is determined by the Department to be unreasonably impracticable pursuant to subsection 9 of NRS 453A.370 does not apply to the medical marijuana establishment.

12. A facility for the production of edible marijuana products or marijuana-infused products and a medical marijuana dispensary may acquire ~~[industrial]~~ hemp, as defined in NRS 557.160, ***or a commodity or product made using such hemp*** from a grower or handler registered by the State Department of Agriculture pursuant to NRS 557.100 to 557.290, inclusive. A facility for the production of edible marijuana products or marijuana-infused products may use ~~[industrial]~~ hemp ***or a commodity or product made using such hemp*** to manufacture edible marijuana products and marijuana-infused products. A medical marijuana dispensary may dispense ~~[industrial]~~ hemp ***or a commodity or product made using such hemp*** and edible marijuana products and marijuana-infused products manufactured using ~~[industrial]~~ hemp ~~[.]~~ ***or a commodity or product made using such hemp.***

Sec. 17. NRS 453A.370 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(g) Minimum requirements for ~~[industrial]~~ hemp, as defined in NRS 557.160, ***or a commodity or product made using such hemp*** which is used by a facility for the production of edible marijuana products or marijuana-infused products to manufacture edible marijuana products or marijuana-infused products or dispensed by a medical marijuana dispensary.

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

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

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

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

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

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

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

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

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

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

10. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

Sec. 18. **1.** This **section and sections 5 to 8, inclusive, 10 to 13, inclusive, and 14 to 17, inclusive, of this act become effective on July 1, 2019.**

2. Section 13.5 of this act becomes effective ~~[on]~~ **:**

(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 that section; and

(b) On July 1, 2020 ~~[.]~~ **, for all other purposes.**

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, reengrossed and to third reading.

Senate Bill No. 166.

Bill read third time.

Roll call on Senate Bill No. 166:

YEAS—38.

NAYS—Edwards, Ellison, Wheeler—3.

VACANT—1.

Senate Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 313.

Bill read third time.

Roll call on Senate Bill No. 313:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 378.

Bill read third time.

Roll call on Senate Bill No. 378:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

The following amendment was proposed by Assemblyman Roberts:

Amendment No. 994.

SUMMARY—Revises provisions ~~[relating to local government finance.]~~ **governing the Tahoe-Douglas Visitor's Authority.** (BDR ~~[30-733)]~~ **S-733)]**

AN ACT relating to ~~[local government finance; requiring the payment of prevailing wages on certain projects of municipalities financed by the sale of certain bonds or on certain projects otherwise undertaken by the Tahoe-Douglas Visitor's Authority;]~~ **taxation;** imposing a surcharge on lodging within the Tahoe Township in Douglas County; authorizing the Tahoe-Douglas Visitor's Authority to take certain actions respecting the establishment and operation of a multiuse event and convention center; authorizing the Authority to issue certain municipal securities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires municipalities to sell certain bonds by competitive bid or negotiated sale. (NRS 350.105-350.195) Section 1 of this bill requires the payment of prevailing wages on any project of a municipality that is financed by the sale of such bonds that: (1) involves the employment of certain workers and laborers; and (2) does not otherwise qualify as a public work. Section 3 of this bill makes those requirements applicable to the Tahoe-Douglas Visitor's Authority and also requires the payment of prevailing wages on any other project of the Authority involving the employment of certain workers and laborers that does not otherwise qualify as a public work.]~~

Existing law requires the Tahoe-Douglas Visitor's Authority to use a portion of the proceeds of the occupancy tax on the rental of lodgings in the Tahoe Township of Douglas County exclusively for: (1) the advertising, publicizing and promotion of tourism and recreation; and (2) the planning, construction and operation of a convention center in the Township. (Section 26 of chapter 496, Statutes of Nevada 1997, at p. 2378)

Section 2 of this bill establishes a $5 tourism surcharge on the per night charge for the rental of lodgings in the Township. **Sections 1.7 and 4-12** of this bill make conforming changes.

Section 3 of this bill enacts provisions to govern the issuance of municipal securities by the Authority, which are based on the provisions of existing law governing the issuance of bonds by county fair and recreation boards. **Section 3** authorizes the Authority to take certain actions in connection with the acquisition, improvement and operation of a multiuse event and convention center in the Township. **Sections 3 and 13** of this bill authorize the Authority to issue municipal securities for the acquisition of such a multiuse event and convention center, to be payable from the net revenues of such a multiuse event and convention center, the occupancy tax, the tourism surcharge and any other revenue which may be legally made available for the payment of such bonds. **Section 3 of this bill requires the payment of prevailing wages on any project financed or otherwise undertaken by the Authority that requires the employment of certain workers even if the project does not qualify as a public work.** **Section 13** also authorizes a portion of the proceeds of the occupancy tax and the tourism surcharge to be allocated to pay the costs to administer and collect the tourism surcharge, with the remaining proceeds to be used exclusively to pay the principal and interest on the municipal securities issued by the Authority.

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

Section 1. ~~*[*Chapter 350 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*— If a project that is financed through the sale of bonds by a municipality in the manner prescribed by NRS 350.105 to 350.195, inclusive:*~~

~~*1. Requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor to perform the project; and*~~

~~*2. Does not qualify as a public work, as defined in NRS 338.010,*~~

~~*→ the contract or agreement for the project must include a provision requiring the payment of prevailing wages in compliance with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the municipality had undertaken the project or had awarded the contract.]*~~ **(Deleted by amendment.)**

Sec. 1.5. ~~[NRS 350.105 is hereby amended to read as follows:~~

~~350.105 As used in NRS 350.105 to 350.195, inclusive,~~ ~~*and section 1 of this act,*~~ ~~unless the context otherwise requires, the words and terms defined in NRS 350.115 to 350.145, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 1.7. The Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended by adding thereto a new section to be designated as section 15.5, immediately following section 15, to read as follows:

Sec. 15.5. "Tourism surcharge" means the surcharge on lodging imposed by section 19.5 of this act.

Sec. 2. The Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended by adding thereto a new section to be designated as section 19.5, immediately following section 19, to read as follows:

Sec. 19.5. 1. There is hereby imposed a tourism surcharge of $5 on the per night charge for the rental of lodgings in the Township. The tourism surcharge must not be applied for any time during which the lodgings are provided to a guest free of charge. The governing body shall administer the tourism surcharge.

2. Every vendor who furnishes any lodgings within the Township is exercising a taxable privilege.

3. A vendor is not exempt from the tourism surcharge because the taxable premises are at any time located in a political subdivision other than the municipality.

Sec. 3. The Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended by adding thereto new sections to be designated as sections 27, 28, 29, 30, 31, 32 and 33 immediately following section 26, to read as follows:

Sec. 27. In addition to powers elsewhere conferred, the Authority is authorized and empowered:

1. To establish, construct, purchase, lease, enter into a lease purchase agreement respecting, rent, acquire by gift, grant, bequest, devise, or otherwise acquire, reconstruct, improve, extend, better, alter, repair, equip, furnish, regulate, maintain, operate and manage a multiuse event and convention center in the Township, including

personal property, real property, lands, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years.

2. To insure or provide for the insurance of a multiuse event and convention center against such risks and hazards as the Authority may deem advisable.

3. To arrange or contract for the furnishing by any person, agency, association or corporation, public or private, of services, privileges, works or facilities for, or in connection with, a multiuse event and convention center and to hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

4. To sell, lease, exchange, transfer, assign or otherwise dispose of any real or personal property, or any interest therein acquired for the purpose of this act, including the lease of a multiuse event and convention center acquired by the Authority pursuant to this act, which is to be operated and maintained as a public project and multiuse event and convention center.

5. To fix, and from time to time increase or decrease, rates, tolls or charges for services or facilities furnished in connection with a multiuse event and convention center, and to take such action as necessary or desirable to effect their collection, and, with the consent of the governing body, to provide for the levy by the governing body of ad valorem taxes, the proceeds thereof to be used in connection with the multiuse event and convention center.

6. To receive, control, invest and order the expenditure of any and all moneys and funds pertaining to the multiuse event and convention center or related properties, including, but not limited to, annual grants to the State, the county and incorporated cities in the county for capital improvements for the multiuse event and convention center.

7. To enter into contracts, leases or other arrangements for commercial advertising purposes with any person, partnership or corporation.

8. To exercise all or any part or combination of the powers herein granted to the Authority, except as herein otherwise provided.

9. To sue and be sued.

10. To do and perform any and all other acts and things necessary, convenient, desirable or appropriate to carry out the provisions of this act.

Sec. 28. The Authority, in addition to the other powers conferred upon the Authority pursuant to this act, may:

1. Set aside a fund in an amount that it considers necessary and which may be expended in the discretion of the Authority to promote or attract conventions, meetings and like gatherings that will utilize the

multiuse event and convention center authorized by section 27 of this act. The expenditure is hereby declared to be an expenditure made for a public purpose.

2. Solicit and promote tourism and gaming generally, both individually and through annual grants in cash or in kind, including lease of its facilities to nonprofit groups or associations, and further promote generally the use of its facilities, pursuant to lease agreements, by organized groups or by the general public for the holding of conventions, expositions, trade shows, entertainment, sporting events, cultural activities or similar uses reasonably calculated to produce revenue for the Authority and to enhance the general economy. The promotion of tourism, gaming or the use of facilities may include advertising the facilities under control of the Authority and the resources of the community or area, including tourist accommodations, transportation, entertainment, gaming and climate. The advertising may be done jointly with a private enterprise.

3. Enter into contracts for advertising pursuant to this act and pay the cost of the advertising, including a reasonable commission.

4. Borrow money or accept contributions, grants or other financial assistance from the Federal Government or any agency or instrumentality thereof, corporate or otherwise, for or in aid of a multiuse event and convention center within the Township, and to comply with such conditions, trust indentures, leases or agreements as may be necessary, convenient or desirable. The purpose and intent of this section is to authorize the Authority to do any and all things necessary, convenient or desirable to secure the financial aid or cooperation of the Federal Government in the undertaking, acquisition, construction, maintenance or operation of a multiuse event and convention center within the Township.

Sec. 29. 1. For the acquisition of a multiuse event and convention center authorized in section 27 of this act, the Authority, at any time or from time to time may in the name of and on behalf of the Authority, issue municipal securities:

(a) Payable from the net revenues to be derived from the operation of such a multiuse event and convention center;

(b) Secured by a pledge of revenues from the occupancy tax;

(c) Secured by a pledge of revenues from the tourism surcharge;

(d) Secured by revenue to be received by the Authority from any political subdivision of the State pursuant to a loan, note, agreement or any other obligation;

(e) Secured by any other revenue that may be legally made available for their payment; or

(f) Payable or secured by any combination of paragraph (a), (b), (c), (d) or (e), and any or all of such revenues shall be deemed pledged revenues as that term is defined in NRS 350.550.

2. Municipal securities issued pursuant to this act must be authorized by resolution of the Authority, and no further approval by any person, board or commission is required.

3. All determinations of the Authority under this act shall be deemed to be conclusive, absent fraud or a gross abuse of discretion.

Sec. 30. The provisions of the Local Government Securities Law shall apply to the issuance by the Authority of any municipal securities pursuant to this act. Any such municipal securities must be executed in the manner provided in the Local Government Securities Law, but the securities must also bear the manual or facsimile signature of an officer of the Authority, or some other person specifically authorized by the Authority to sign the securities.

Sec. 31. The Authority is authorized to sell such municipal securities from time to time in the manner prescribed in NRS 350.105 to 350.195, inclusive, and may employ legal, fiscal, engineering or other expert services in connection with the acquisition, improvement, extension or betterment of the multiuse event and convention center and with the authorization, issuance and sale of the municipal securities.

Sec. 32. In order to insure the payment of the municipal securities of the Authority, the payment of which is secured or is additionally secured, as the case may be, by a pledge of the revenues of the multiuse event and convention center, of any such other income-producing project and of any such excise taxes, as provided in section 29 of this act, or other such special obligation securities so secured, the Authority may establish and maintain, and from time to time revise, a schedule or schedules of fees, rates and charges for services, facilities and commodities rendered by or through the multiuse event and convention center, and any such other income-producing project and a schedule or schedules of any such excise taxes, as the case may be, in an amount sufficient for that purpose and also sufficient to discharge any covenant in the proceedings of the Authority or governing body authorizing the issuances of any of the municipal securities, including any covenant for the establishment of reasonable reserve funds.

Sec. 33. If a project that is financed by the Authority or is otherwise undertaken by the Authority, including, without limitation, pursuant to a lease, lease-purchase agreement or installment-purchase agreement:

1. Requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor to perform the project; and

2. Does not qualify as a public work, as defined in NRS 338.010,

➥ the contract or agreement for the project must include a provision requiring the payment of prevailing wages in compliance with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Authority had undertaken the project or had awarded the contract ~~[.]~~ or agreement.

Sec. 4. Section 3 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended to read as follows:

Sec. 3. Except as otherwise provided in this act or unless the context otherwise requires, terms used or referred to in this act have the meanings ascribed to them in the Local Government Securities Law, but the definitions in sections 4 to 18, inclusive, ***and section 15.5*** of this act, unless the context otherwise requires, govern the construction of this act and of the Local Government Securities Law as applied to the Township.

Sec. 5. Section 7 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 7. "Gross taxable rent" means the total amount of rent paid for lodging, including any associated charges that are normally included in the rent ~~[.]~~ ***, including, without limitation, resort fees or similar mandatory fees or charges directly related to the occupancy of transient lodgings, but not including the tourism surcharge.***

Sec. 6. Section 11 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 11. "Occupancy tax" means the tax on lodging imposed by ***section 19 of*** this act.

Sec. 7. Section 14 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 14. "Rent" means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to ~~[an]~~ ***the*** occupancy tax ***and tourism surcharge*** authorized in this act.

Sec. 7.5. Section 20 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 20. 1. The Tahoe-Douglas Visitor's Authority, consisting of five members, is hereby created.

2. The Authority consists of:

(a) One member appointed by the Board of County Commissioners from among their number; and

(b) Four members who are representatives of the Association of Gaming Establishments whose members collectively paid the largest amount of license fees to the State pursuant to NRS 463.370 in the County in the preceding year, chosen by the board from a list of nominees submitted by the Association. If there is no such association, the four members so appointed must be representatives of gaming licensees.

➥ Each member of the Authority must be a resident of the County.

3. The terms of members appointed pursuant to paragraph (b) of subsection 2 are 4 years. Each member appointed pursuant to paragraph (b) of subsection 2 may succeed himself or herself only twice.

4. If a member ceases to be engaged in the business or occupation which the member was appointed to represent, he or she ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

5. Members of the Authority may enter into contracts, leases, franchises and other transactions extending beyond their terms of office as members of the Authority.

Sec. 8. Section 21 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 21. 1. The municipality may provide that the occupancy tax ***or tourism surcharge*** does not apply:

(a) If a vendee:

(1) Has been a permanent resident of the taxable premises for a period of at least 28 consecutive days; or

(2) Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 28 consecutive days;

(b) If the rent paid by a vendee is less than $2 a day;

(c) To lodgings at religious, charitable, educational or philanthropic institutions, including accommodations at summer camps operated by such institutions;

(d) To clinics, hospitals or other medical facilities;

(e) To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; ***or***

(f) ~~[If the taxable premises does not have at least three rooms or three other units of accommodations for lodging; or~~

~~(g)]~~ To all or any combination of events or conditions provided in paragraphs (a) to ~~[(f),]~~ ***(e),*** inclusive.

2. The occupancy tax ~~[does]~~ ***and tourism surcharge do*** not apply to:

(a) Lodgings at institutions of the Federal Government, the State, the municipality or any other public body.

(b) The rental of any lodgings by an employee of the Federal Government, the State or a political subdivision of the State, if the transaction is conducted directly with the governmental entity pursuant to a governmental credit card or a contract, purchase order or similar document executed or authorized by an appropriate official of the governmental entity.

3. Any ordinance adopted pursuant to this act by the municipality before July 1, 2019, relating to the occupancy tax shall, by operation of law, apply to the tourism surcharge in the same manner as it applies to the occupancy tax.

Sec. 9. Section 22 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 22. 1. Every vendor providing lodging in the Township shall collect the ***occupancy*** tax ***and tourism surcharge*** and shall act as a trustee therefor.

2. Every vendor providing lodging in the Township shall remit the proceeds of the occupancy tax ***and tourism surcharge*** to the governing body.

3. The ***occupancy*** tax ***and tourism surcharge*** must be charged separately from the rent fixed by the vendor for the lodgings.

Sec. 10. Section 23 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 23. 1. The governing body may provide by ordinance that:

(a) The payment of the occupancy tax ***or tourism surcharge*** pertaining to any lodgings is secured by a lien on the real property at the taxable premises where the lodgings are located;

(b) Any such lien securing the payment of a delinquent occupancy tax ***or tourism surcharge*** may be enforced in the same manner as liens for general taxes ad valorem on real property; and

(c) A vendor is liable for the payment of the proceeds of any occupancy tax ***and tourism surcharge*** which pertains to the vendor's taxable premises and which the vendor failed to remit to the municipality, because of the vendor's failure to collect the ***occupancy*** tax ***and tourism surcharge*** or otherwise.

2. The governing body may provide for a civil penalty for any such failure in an amount of not more than 10 percent of the amount which was not remitted to the municipality but not less than $10.

3. The municipality may bring an action in the district court for the collection of any amounts due, including, without limitation, penalties thereon, interest on the unpaid principal at a rate not exceeding 1 percent per month, the costs of collection and reasonable attorney's fees incurred in connection therewith, except for any tax ***or surcharge*** being collected by the enforcement of a lien pursuant to subsection 1.

Sec. 11. Section 24 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 24. The governing body may provide by ordinance for penalties not to exceed 90 days' imprisonment or a $300 fine for a failure by any person to pay the ***occupancy*** tax ~~[,]~~ ***and tourism surcharge,*** to remit the proceeds thereof to the municipality or to account properly for any lodging and the ***occupancy*** tax ***and tourism surcharge*** proceeds pertaining thereto.

Sec. 12. Section 25 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 25. The governing body may provide by ordinance, except as limited by or otherwise provided in this act:

1. A procedure for licensing each vendor and for refusing to license a vendor after an opportunity has been given to the vendor for a public hearing by the governing body concerning the issuance of the license;

2. The times, place and method for the payment of the ***occupancy*** tax ***and tourism surcharge*** to the municipality, the account and other records to be maintained in connection therewith, a procedure for making refunds and resolving disputes relating to the ***occupancy*** tax ~~[,]~~ ***and tourism surcharge,*** including exemptions pertaining thereto, the preservation and destruction of records and their inspection and investigation, and, subject to the provisions of subsection 1 of section 23 of this act, a procedure of liens and sales to satisfy such liens; and

3. Other rights, privileges, powers and immunities and other details relating to any licenses, the collection of the occupancy tax ***and tourism surcharge*** and the remittance of the proceeds thereof to the municipality.

Sec. 13. Section 26 of the Tahoe-Douglas Visitors' Authority Act, being chapter 496, Statutes of Nevada 1997, as amended by chapter 496, Statutes of Nevada 1997, at page 2379, is hereby amended to read as follows:

Sec. 26. 1. From the proceeds of the occupancy tax ***and the tourism surcharge*** paid by vendors located in the township, the governing body shall:

(a) Pay the principal of, interest on and any prior redemption premiums due in connection with any securities issued by the county pursuant to the Douglas County Lodgers Tax Law which were secured with the proceeds of the occupancy tax collected pursuant to the Douglas County Lodgers Tax Law.

(b) After allocation of those proceeds pursuant to paragraph (a), pay any obligations incurred before July 1, 1997, pursuant to any contractual agreements between the governing body and the Lake Tahoe Visitor's Authority.

2. A portion of the proceeds of the occupancy tax ***and the tourism surcharge*** paid by vendors located in the Township, not to exceed 1 percent of the amount collected, may be used to collect and administer the ***occupancy*** tax ~~[,]~~ ***and the tourism surcharge.***

3. One-eighth of the proceeds of the occupancy tax paid by vendors located in the Township must be remitted to the Authority.

4. After allocation pursuant to subsections 1, 2 and 3 of the proceeds of the occupancy tax paid by vendors located in the Township, the remaining proceeds must be allocated as follows:

(a) Except as otherwise provided in paragraph (b), for each Fiscal Year beginning on or after July 1, 1999, 50 percent of those proceeds must be

retained by the governing body for expenditure in any manner authorized for the expenditure of the proceeds of a tax imposed pursuant to the Douglas County Lodgers Tax Law and 50 percent of those proceeds must be remitted to the Authority.

(b) Except as otherwise provided in paragraph (c), for each Fiscal Year beginning on or after July 1, 2000, the governing body shall revise the allocation required pursuant to this subsection in such a manner that the amount of those proceeds retained by the governing body is reduced, and the amount remitted to the Authority is increased, from the amounts for the prior fiscal year by not less than 2 percent and not more than 5 percent of the total amount of the proceeds allocated pursuant to this subsection, until the amount retained by the governing body for each fiscal year equals 35 percent of those proceeds and the amount remitted to the Authority for each fiscal year equals 65 percent of those proceeds.

(c) The governing body may, for not more than one of the Fiscal Years beginning on or after July 1, 2000, elect not to make a revision otherwise required pursuant to paragraph (b).

5. ***After allocation pursuant to subsections 1 and 2 of the proceeds of the tourism surcharge paid by vendors located in the Township, the remaining proceeds must be remitted to the Authority.***

6. The proceeds remitted to the Authority pursuant to subsections 3 **,** ~~[and]~~ 4 ***and 5*** must be used exclusively for:

(a) The advertising, publicizing and promotion of tourism and recreation; ~~[and]~~

(b) The planning, construction and operation of a ***multiuse event and*** convention center in the Township ~~[.]~~ ***; and***

(c) The payment of principal and interest on the municipal securities issued pursuant to section 29 of this act.

Sec. 14. This act becomes effective on July 1, 2019.

Assemblyman Roberts moved the adoption of the amendment.
Remarks by Assemblyman Roberts.
Amendment adopted.
Bill ordered reprinted, reengrossed and to third reading.

Assembly Bill No. 519.
Bill read third time.
Roll call on Assembly Bill No. 519:
YEAS—40.
NAYS—Edwards.
VACANT—1.
Assembly Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 89.

Bill read third time.

Remarks by Assemblywomen Peters and Tolles.

ASSEMBLYWOMAN PETERS:

The Chief Clerk covered most of it. I just wanted to say that Senate Bill 89 requires the Governor to appoint a committee on statewide school safety. They are to make recommendations related to school safety and are responsible for reporting related information to the Legislature.

ASSEMBLYWOMAN TOLLES:

I had the privilege of serving as the vice chair of the School Safety Task Force over the interim with 26 stakeholders from across this state who came together to form the recommendations that were behind this bill in this very strong bipartisan effort. I want to take a moment to say thank you to all the stakeholders who put in extensive amount of hours on research behind these recommendations. Today is a good day to pass this bill and I would appreciate support.

Roll call on Senate Bill No. 89:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read third time.

Roll call on Senate Bill No. 98:

YEAS—37.

NAYS—Ellison, Krasner, Roberts, Titus—4.

VACANT—1.

Senate Bill No. 98 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

ASSEMBLYMAN FUMO:

Senate Bill 209 authorizes the Department of Health and Human Services to develop regulations on products made with hemp.

Roll call on Senate Bill No. 209:

YEAS—41.

NAYS—None.

VACANT—1.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Roll call on Senate Bill No. 461:

YEAS—33.

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

VACANT—1.

Senate Bill No. 461 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 449.

The following Senate amendment was read:

Amendment No. 1019.

AN ACT relating to child welfare; directing the Legislative Committee on Child Welfare and Juvenile Justice to conduct an interim study concerning juvenile detention in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Legislative Committee on Child Welfare and Juvenile Justice and directs the Committee to evaluate and review various issues relating to child welfare and juvenile justice in this State. (NRS 218E.700-218E.720) **Section 1** of this bill requires the Committee to conduct a study during the 2019-2020 interim concerning juvenile detention in this State. The study must include: (1) consideration of the implementation of a regional approach to housing juvenile offenders in this State; (2) a review of the adequacy of the current capacity of institutions and facilities in this State to house juvenile offenders; (3) a review of the current level of family and community engagement afforded to juveniles in the juvenile justice system and opportunities for an increase in such family and community engagement; (4) an analysis of current programming relating to the education, health and wellness of juvenile offenders in this State; (5) a review of the programs and services in other states where juvenile offenders who are tried as adults are housed with juvenile offenders within the juvenile justice system; (6) an analysis of sentencing practices for juvenile offenders in other states and an identification of best practices sentencing standards for juvenile offenders; and (7) a review of the facilities, services and programs available in this State for children who are determined to be incompetent by the juvenile court. **Section 2** of this bill requires the Nevada Department of Corrections and each local and state institution or facility for the detention of juvenile offenders to present certain data, trends and other information to the Committee to assist the Committee in conducting the study required by **section 1** of this bill.

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

Section 1. 1. The Legislative Committee on Child Welfare and Juvenile Justice shall conduct a study during the 2019-2020 interim concerning juvenile detention in this State. The study must include, without limitation:

(a) Consideration of the implementation of a regional approach to the housing of juvenile offenders in this State, through which the Nevada Department of Corrections retains jurisdiction over juvenile offenders who are housed locally in other local or state institutions or facilities for the detention of juvenile offenders;

(b) A review of the adequacy of the current capacity of institutions and facilities in this State to house juvenile offenders;

(c) A review of the current level of family and community engagement afforded to juveniles in the juvenile justice system and the feasibility of programs to increase the level of family and community engagement received by juveniles in the juvenile justice system;

(d) An analysis of the current offerings of educational, health and wellness programming for juvenile offenders in institutions and facilities in this State;

(e) A review of the programs and services in other states where juvenile offenders who are tried as adults are housed with juvenile offenders within the juvenile justice system;

(f) An analysis of sentencing practices for juvenile offenders in other states and an identification of best practices sentencing standards for juvenile offenders; and

(g) A review of the facilities, services and programs available in this State for children who are determined to be incompetent by the juvenile court pursuant to NRS 62D.140 to 62D.190, inclusive.

2. In conducting the study, the Legislative Committee on Child Welfare and Juvenile Justice shall consult with and solicit input from persons and organizations with expertise in the issues concerning the detention of juvenile offenders, including, without limitation, local, state and national experts.

3. The Legislative Committee on Child Welfare and Juvenile Justice shall include its findings and any recommendations for legislation relating to the study conducted pursuant to subsection 1 in its report submitted to the Director of the Legislative Counsel Bureau pursuant to subsection 2 of NRS 218E.720.

Sec. 2. To assist the Legislative Committee on Child Welfare and Juvenile Justice in conducting the study pursuant to section 1 of this act, the Nevada Department of Corrections and each local and state institution or facility for the detention of juvenile offenders shall present to the Committee data, trends and other information relating to the institution or facility, including, without limitation:

1. The operating budget of the institution or facility and money available for programming and services at the institution or facility;

2. The average daily population, average length of stay and the highest degree of offense for which a juvenile is held at the institution or facility;

3. The age, capacity and condition of the institution or facility;

4. Current staffing ratios and any staffing shortages at the institution or facility;

5. The educational, vocational and recreational programs offered at the institution or facility;

6. The number of juveniles held at the institution or facility, reported by age, race and ethnicity, gender, degree of offense committed, distance from home and if it can be reported, the length of sentence;

7. Data concerning risk and needs assessments, special education needs, and mental health diagnoses of the juvenile offenders at the institution or facility; ~~[and]~~

8. **Data concerning the use of physical force to restrain juveniles in custody at the institution or facility, as well as data concerning physical and sexual assaults that have occurred at the institution or facility; and**

9. The estimated costs that would be incurred by the institution or facility to transition the juvenile offenders to an integrated program.

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

Assemblywoman Jauregui moved that the Assembly concur in the Senate Amendment No. 1019 to Assembly Bill No. 449.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

The amendment adds to the list of information which must be reported to the committee data concerning the use of physical force used to restrain juveniles as well as data concerning physical and sexual assaults that have occurred in certain institutions and facilities.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 139.

The following Senate amendment was read:

Amendment No. 961.

SUMMARY— ~~[Requires a person to be at least 18 years of age to]~~ **Revises provisions relating to when minors may** marry. (BDR 11-1)

CONTAINS UNFUNDED MANDATE (§ 5.3)
(Not Requested by Affected Local Government)

AN ACT relating to domestic relations; ~~[requiring a person to be at least 18 years of age to]~~ **revising provisions relating to when minors may** marry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a minor to marry in certain circumstances. If the minor is at least 16 years of age, the consent of either parent or legal guardian is required. (NRS 122.020, 122.025) If the minor is younger than 16 years of age, in addition to such consent, a district court must authorize the marriage after making certain findings. (NRS 122.025) **Section 1** of this bill ~~[removes that authority and instead requires both persons to be at least 18 years of age to marry. Section 7 of this bill also repeals the provision authorizing marriages~~

~~by minors.]~~ **: (1) removes the ability of a minor who is under 17 years of age to marry; and (2) allows a minor who is 17 years of age to marry if the minor has the consent of either parent or the minor's legal guardian and the minor obtains authorization from a district court after the court holds an evidentiary hearing and makes certain findings. Section 1.5 of this bill sets forth the requirements for the court to authorize the marriage of a minor who is 17 years of age.**

Sections ~~[2–5]~~ **2-3.5** of this bill make conforming changes **.** ~~[to existing law, and section 7 repeals additional provisions that become obsolete by removing authority for minors to marry.]~~ **Section 5.3 of this bill requires each county clerk to compile a report concerning marriage licenses issued for minors who are 17 years of age and submit the report to the Director of the Legislative Counsel Bureau for distribution to the 81st Session of the Legislature. Section 6** of this bill ensures that the validity of any marriage existing when the bill becomes effective is not affected, and that any married minor on that date continues to have the same rights.

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

Section 1. NRS 122.020 is hereby amended to read as follows:

122.020 1. Except as otherwise provided in ~~[this section,]~~ ***subsection 2 and NRS 122.025,*** two ~~***[Two]***~~ persons, regardless of gender, ***who are*** at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, may be joined in marriage.

2. Two persons, regardless of gender, who are married to each other may be rejoined in marriage if the record of their marriage has been lost or destroyed or is otherwise unobtainable.

~~[3. A person at least 16 years of age but less than 18 years of age may marry only if the person has the consent of:~~

~~(a) Either parent; or~~

~~(b) Such person's legal guardian.]~~

Sec. 1.5. NRS 122.025 is hereby amended to read as follows:

122.025 1. A ~~[person less than 16]~~ ***minor who is 17*** years of age may marry only if the ~~[person]~~ ***minor*** has the consent of:

(a) Either parent; or

(b) ~~[Such person's]~~ ***The minor's*** legal guardian,

➥ and ~~[such person]~~ ***the minor*** also obtains authorization from a district court as provided in ~~[subsection 2.]~~ ***this section.***

2. In extraordinary circumstances, a district court may authorize the marriage of a ~~[person less than 16]~~ ***minor who is 17*** years of age if the court finds ***, by clear and convincing evidence, after an evidentiary hearing in which both parties to the prospective marriage provide sworn testimony,*** that:

(a) ***Both parties to the prospective marriage are residents of this State;***

(b) The minor has received a high school diploma, a general educational development certificate or an equivalent document;

(c) The marriage will serve the best interests of ~~[such person;]~~ ***the minor;*** and

~~[(b) Such person]~~

(d) The minor has the consent required by paragraph (a) or (b) of subsection 1.

➥ Pregnancy alone does not establish that the best interests of ~~[such person]~~ ***the minor*** will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of ~~[such person.]~~ ***the minor.***

3. In determining the best interests of the minor for the purposes of subsection 2, the court shall consider, without limitation:

(a) The difference in age between the parties to the prospective marriage;

(b) The need for the marriage to occur before the minor reaches 18 years of age; and

(c) The emotional and intellectual maturity of the minor.

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Except as otherwise provided in NRS 122.0615, before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any

requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. ~~[If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:~~

~~(a) Personally given before the clerk;~~

~~(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or~~

~~(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.~~

~~6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.~~

~~7. If the authorization of a district court is required,]~~ ***When the authorization of a district court is required because the marriage involves a minor,*** the county clerk shall issue the license if that authorization is given to the county clerk in writing.

~~[8.]~~ ***6.*** At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:

(a) As a middle name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the current middle name and the current last name of either applicant.

(4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.

(b) As a last name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).

~~[~~9. ~~6.]~~ ***7.*** All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

~~[~~10. ~~7.]~~ ***8.*** A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. NRS 122.0615 is hereby amended to read as follows:

122.0615 1. In each county whose population is 100,000 or more but less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, the board of county commissioners shall:

(a) Ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or

(b) Provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued pursuant to paragraph (a) is not open to the public.

2. In each county whose population is less than 100,000, in which a commercial wedding chapel has been in business in the county for 5 years or more, the board of county commissioners may provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued is not open to the public.

3. Except as otherwise provided in subsection 4, a ~~[A]~~ program established pursuant to subsection 1 or 2 must authorize each commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing with the county clerk a completed registration form prescribed by the board of county commissioners, along with a performance bond in the amount of $50,000. The performance bond must be conditioned upon the faithful performance of all statutory duties related to the issuance of marriage licenses and compliance with the provisions of NRS 603A.010 to 603A.290, inclusive, that ensure the security of personal information submitted by applicants for a marriage license.

4. A commercial wedding chapel shall refer any application for a marriage license ~~[that includes the signature of a guardian]~~ for a minor applicant ***who is 17 years of age*** to the county clerk for review and issuance of the marriage license pursuant to NRS 122.040.

5. The county clerk of the county in which a commercial wedding chapel that issues marriage licenses pursuant to this section is located shall provide to the commercial wedding chapel, without charge, any materials necessary for the commercial wedding chapel to issue marriage licenses. The number of marriage licenses that the commercial wedding chapel may issue must not be limited.

6. ~~[5.]~~ A commercial wedding chapel that issues marriage licenses pursuant to this section shall comply with all statutory provisions governing

the issuance of marriage licenses in the same manner as the county clerk is required to comply, and shall:

(a) File the original application for a marriage license with the county clerk on the first available business day after completion of the application;

(b) Collect from an applicant for a marriage license all fees required by law to be collected; and

(c) Remit all fees collected to the county clerk, in the manner required by the standard of practice adopted by the county clerk.

7. ~~*[6.]*~~ The records of a commercial wedding chapel that issues marriage licenses pursuant to this section which pertain to the issuance of a marriage license are public records and must be made available for public inspection at reasonable times. Such a commercial wedding chapel shall comply with the provisions of NRS 603A.010 to 603A.290, inclusive, in the same manner as all other data collectors to ensure the security of all personal information submitted by applicants for a marriage license.

8. ~~*[7.]*~~ The persons to whom a commercial wedding chapel issues a marriage license may not be joined in marriage in any county other than the county in which the marriage license is issued.

9. ~~*[8.]*~~ A commercial wedding chapel that violates any provision of this section is guilty of a misdemeanor.

Sec. 3.5. **NRS 125.320 is hereby amended to read as follows:**

125.320 1. When the consent of a parent, guardian or district court, as required by NRS ~~[122.020 or]~~ 122.025, has not been obtained, the marriage is void from the time its nullity is declared by a court of competent jurisdiction.

2. If the consent required by NRS ~~[122.020 or]~~ 122.025 is not first obtained, the marriage contracted without the consent of a parent, guardian or district court may be annulled upon application by or on behalf of the person who fails to obtain such consent, unless such person after reaching the age of 18 years freely cohabits for any time with the other party to the marriage as a married couple. Any such annulment proceedings must be brought within 1 year after such person reaches the age of 18 years.

Sec. 4. ~~[NRS 125.300 is hereby amended to read as follows:~~

~~125.300 A marriage may be annulled for any of the causes provided in NRS [125.320 to]~~ ***125.330, 125.340 or*** ~~125.350. [, inclusive.]]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 3.223 is hereby amended to read as follows:~~

~~3.223 1. Except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:~~

~~(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.~~

~~(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.~~

~~(c) [For judicial approval of the marriage of a minor.~~

~~(d)] Otherwise within the jurisdiction of the juvenile court.~~

~~[(e)] *(d)* To establish the date of birth, place of birth or parentage of a minor.~~

~~[(f)] *(e)* To change the name of a minor.~~

~~[(g)] *(f)* For a judicial declaration of the sanity of a minor.~~

~~[(h)] *(g)* To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.~~

~~[(i)] *(h)* Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.~~

~~[(j)] *(i)* Brought pursuant to NRS 441A.510 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.~~

~~2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.~~

~~3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.]~~ **(Deleted by amendment.)**

Sec. 5.3. **1. Each county clerk shall compile a report containing information about each marriage license issued on or after October 1, 2019, for the marriage of a person who is 17 years of age. For each such marriage, the report must include, without limitation, the ages of the parties to the marriage.**

2. On or before January 1, 2021, each county clerk shall submit the report required pursuant to this section to the Director of the Legislative Counsel Bureau for distribution to the 81st Session of the Legislature.

Sec. 5.7. **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. 6. ~~[1.]~~ The amendatory provisions of this act do not affect:

~~[(a)]~~ **1.** The validity of any marriage entered into by a minor before October 1, 2019; or

~~[(b)]~~ **2.** The legal rights or responsibilities of any minor who married before October 1, 2019.

~~[2. Notwithstanding the repeal of NRS 123.310, a person who on October 1, 2019, is a married minor may make a valid marriage contract or settlement.]~~

Sec. 7. ~~[NRS 122.025, 123.310 and 125.320 are hereby repealed.]~~ **(Deleted by amendment.)**

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~— 122.025 Marriage of persons less than 16 years of age: Consent of parent or guardian; authorization by court.~~

~~— 1. A person less than 16 years of age may marry only if the person has the consent of:~~

~~— (a) Either parent; or~~

~~— (b) Such person's legal guardian,~~

~~→ and such person also obtains authorization from a district court as provided in subsection 2.~~

~~— 2. In extraordinary circumstances, a district court may authorize the marriage of a person less than 16 years of age if the court finds that:~~

~~— (a) The marriage will serve the best interests of such person; and~~

~~— (b) Such person has the consent required by paragraph (a) or (b) of subsection 1.~~

~~→ Pregnancy alone does not establish that the best interests of such person will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of such person.~~

~~— 123.310 Minors may make marriage contracts or settlements. A minor capable of contracting marriage may make a valid marriage contract or settlement.~~

~~— 125.320 Cause for annulment: Lack of consent of parent or guardian.~~

~~— 1. When the consent of a parent, guardian or district court, as required by NRS 122.020 or 122.025, has not been obtained, the marriage is void from the time its nullity is declared by a court of competent jurisdiction.~~

~~— 2. If the consent required by NRS 122.020 or 122.025 is not first obtained, the marriage contracted without the consent of a parent, guardian or district court may be annulled upon application by or on behalf of the person who fails to obtain such consent, unless such person after reaching the age of 18 years freely cohabits for any time with the other party to the marriage as a married couple. Any such annulment proceedings must be brought within 1 year after such person reaches the age of 18 years.]~~

Assemblyman Yeager moved that the Assembly do not concur in the Senate Amendment No. 961 to Assembly Bill No. 139.

Remarks by Assemblyman Yeager.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

The following Senate amendment was read:

Amendment No. 1027.

SUMMARY—Revises provisions relating to public safety. (BDR ~~[15-759)]~~ **3-759)**

AN ACT relating to public safety; **establishing provisions governing certain orders for protection against high-risk behavior; defining certain terms relating to the issuance of such orders; prescribing certain conduct and acts that constitute high-risk behavior; authorizing certain persons to**

apply for ex parte and extended orders for protection against high-risk behavior under certain circumstances; providing for the issuance and enforcement of such orders; prohibiting a person against whom such an order is issued from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm during the period in which the order is in effect; establishing certain other procedures relating to such orders; prohibiting the filing of an application for such orders under certain circumstances; making it a crime to violate such orders; prohibiting certain acts relating to the modification of a semiautomatic firearm; reducing the concentration of alcohol that may be present in the blood or breath of a person while in possession of a firearm; ~~[revising provisions relating to state preemption of the authority to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearms accessories and ammunition;]~~ **making it a crime to negligently store or leave a firearm under certain circumstances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to issue certain temporary or extended orders for protection. (NRS 33.020, 33.270, 33.400) Sections 2-22 of this bill similarly establish procedures for the issuance of ex parte or extended orders when a person poses a risk of personal injury to himself or herself or another person under certain circumstances. Sections 4-9 of this bill set forth certain definitions relating to such orders. Section 10 of this bill prescribes certain acts and conduct which constitute high-risk behavior for the purposes of the issuance of such orders.

Section 11 of this bill authorizes a family or household member or a law enforcement officer to file a verified application to obtain an ex parte or extended order against a person who poses a risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm. Section 12 of this bill requires a court to issue an ex parte order pursuant to a verified application if the court finds by a preponderance of the evidence: (1) that a person poses an imminent risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm; (2) the person has engaged in high-risk behavior; and (3) less restrictive options have been exhausted or are not effective. Section 13 of this bill requires a court to issue an extended order pursuant to a verified application if the court finds by clear and convincing evidence: (1) that a person poses a risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm; (2) the person has engaged in high-risk behavior; and (3) less restrictive options have been exhausted or are not effective.

Section 21 of this bill provides that a person who files a verified application for such an order: (1) which he or she knows or has reason to know is false or misleading; or (2) with the intent to harass the adverse party, is guilty of a misdemeanor.

Section 14 of this bill requires the adverse party against whom an ex parte or extended order is issued to surrender any firearm in his or her possession or under his or her custody or control and prohibits the party from possessing or having under his or her custody or control any firearm while the order is in effect. Sections 15-18 of this bill establish additional procedures related to: (1) the issuance and enforcement of such ex parte and extended orders; and (2) the surrender and return of the firearms of the adverse party. Section 19 of this bill provides that orders issued pursuant to this bill are effective as follows: (1) for an ex parte order, a period of 7 days; and (2) for an extended order, a period of 1 year.

Section 22 of this bill provides that a person who violates an ex parte or extended order is guilty of a misdemeanor.

Existing law provides that a person who commits certain crimes that are punishable as a felony in violation of certain orders for protection is subject to an additional penalty. (NRS 193.166) Section 24 of this bill includes a felony committed in violation of an ex parte or extended order, as defined in this bill, to the list of violations which result in an additional penalty.

Section ~~[2]~~ 25 of this bill prohibits a person from importing, selling, manufacturing, transferring, receiving or possessing: (1) any manual, power-driven or electronic device that is designed such that when the device is attached to a semiautomatic firearm, the device eliminates the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger and materially increases the rate of fire of the semiautomatic firearm or approximates the action or rate of fire of a machine gun; (2) any part or combination of parts that functions to eliminate the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger and materially increases the rate of fire of the semiautomatic firearm or approximates the action or rate of fire of a machine gun; or (3) any semiautomatic firearm that has been modified in any way that eliminates the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger and materially increases the rate of fire of the semiautomatic firearm or approximates the action or rate of fire of a machine gun. **Section ~~[2]~~ 25** does not apply to employees of a law enforcement agency or members of the Armed Forces of the United States who are carrying out official duties. **Section 29 of this bill makes a conforming change.**

Section ~~[4]~~ **27** of this bill reduces the allowable concentration of alcohol that may be present in the blood or breath of a person who is in possession of a firearm from 0.10 to 0.08. (NRS 202.257)

~~[Existing law provides that: (1) except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms; and (2) no county, city or town may infringe upon those rights and powers. (NRS 244.364, 268.418, 269.222) Section 8 of this bill repeals those provisions, and section 3 of this bill replaces them with a new provision that generally preempts all local governments from regulating such subjects, except that a county may enact ordinances that are more stringent than state law. Section 7 of this bill makes a corresponding change to the provision authorizing a person who holds a permit to carry a concealed firearm to carry a concealed firearm in a public building under certain circumstances to reflect the possibility that a county having jurisdiction over the public building may enact an ordinance prohibiting the carrying of a concealed firearm in the public building. (NRS 202.3673)~~

~~Sections 4 and 6 of this bill make conforming changes.]~~

Existing law prohibits a child under the age of 18 years from handling, possessing or controlling a firearm under certain circumstances. Existing law also prohibits a person from aiding or knowingly permitting a child to handle, possess or control a firearm under certain circumstances and sets forth penalties upon a person who is found guilty of such an offense. A person does not aid or knowingly permit a child to violate such existing law if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure. (NRS 202.300) Section 28 of this bill makes it a misdemeanor to negligently store or leave a firearm at a location under his or her control, if a person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain such a firearm.

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

Section 1. **Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.**

Sec. 2. ***As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ~~***[1. The Legislature hereby declares that the purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition except as expressly authorized by this section or specific statute.***~~

~~***2. Except as expressly authorized by this section or specific statute:***~~

~~***(a) The Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying,***~~

~~*ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms; and*~~

~~*(b) No local government may infringe upon those rights and powers.*~~

~~*3. A board of county commissioners of a county may enact ordinances regulating the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition within the geographical boundaries of the county, including, without limitation, within an incorporated city located within the geographical boundaries of the county, if such ordinances are more stringent than state law governing the regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition. Notwithstanding any other provision of law, a peace officer who is employed by a local law enforcement agency may enforce the provisions of a county ordinance enacted by a board of county commissioners pursuant to this subsection within the boundaries of the jurisdiction of the local law enforcement agency that employs the peace officer.*~~

~~*4. A board of county commissioners, governing body of a city or town board may proscribe by ordinance or regulation the unsafe discharge of firearms.*~~

~~*5. Any ordinance or regulation which is inconsistent with this section is null and void, and any official action taken by an employee or agent of a local government in violation of this section is void.*~~

~~*6. This section must not be construed to prevent:*~~

~~*(a) A state or local law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.*~~

~~*(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.*~~

~~*(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.*~~

~~*(d) The enactment or enforcement of a county, city or town zoning or business ordinance which is generally applicable to businesses within the county, city or town, as applicable, and thereby affects a firearms business within the county, city or town, as applicable, including, without limitation, an indoor or outdoor shooting range.*~~

~~*(e) A county, city or town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county, city or town, as applicable.*~~

~~*(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and*~~

~~*enforcing rules for participation in or attendance at any such competition or program.*~~

~~*(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.*~~

~~*7. As used in this section:*~~

~~*(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.*~~

~~*(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.*~~

~~*(c) "Firearm accessories" means:*~~

~~*(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or*~~

~~*(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.*~~

~~*(d) "Local government" means any political subdivision of this State, including, without limitation, a city, a county, a town, a school district, a library district, a consolidated library district, any entity or agency that is directly or indirectly controlled by any city or county, and any entity or agency that is created by joint action or any interlocal or cooperative agreement of two or more cities or counties, or any combination thereof.*~~

~~*(e) "Local law enforcement agency" means:*~~

~~*(1) The sheriff's office of a county;*~~

~~*(2) A metropolitan police department; or*~~

~~*(3) A police department of an incorporated city.*~~

~~*(f) "Public employer" has the meaning ascribed to it in NRS 286.070.]*~~ **(Deleted by amendment.)**

Sec. 4. ***"Adverse party" means a natural person who is named in an application for an order of protection against high-risk behavior.***

Sec. 5. ***"Ex parte order" means an ex parte order for protection against high-risk behavior.***

Sec. 6. ***"Extended order" means an extended order for protection against high-risk behavior.***

Sec. 7. ~~[~~NRS 202.3673 is hereby amended to read as follows:

~~202.3673 1. Except as otherwise provided in subsections 2 [and 3,]~~ ***, 3 and 4,*** ~~a permittee may carry a concealed firearm while the permittee is on the premises of any public building.~~

~~*2. A permittee shall not carry a concealed firearm while the permittee is on the premises of any public building if the county having jurisdiction over*~~

~~*the public building has enacted an ordinance prohibiting the carrying of a concealed firearm on the premises of the public building.*~~

~~*3.* A permittee shall not carry a concealed firearm while the permittee is on the premises of a public building that is located on the property of a public airport.~~

~~[*3.*] *4.* A permittee shall not carry a concealed firearm while the permittee is on the premises of:~~

~~(a) A public building that is located on the property of a public school or a child care facility or the property of the Nevada System of Higher Education, unless the permittee has obtained written permission to carry a concealed firearm while he or she is on the premises of the public building pursuant to subparagraph (3) of paragraph (a) of subsection 3 of NRS 202.265.~~

~~(b) A public building that has a metal detector at each public entrance or a sign posted at each public entrance indicating that no firearms are allowed in the building, unless the permittee is not prohibited from carrying a concealed firearm while he or she is on the premises of the public building pursuant to subsection [4.~~

~~4.~~] ~~*5.*~~

~~*5.* The provisions of paragraph (b) of subsection [*3*] *4* do not prohibit:~~

~~(a) A permittee who is a judge from carrying a concealed firearm in the courthouse or courtroom in which the judge presides or from authorizing a permittee to carry a concealed firearm while in the courtroom of the judge and while traveling to and from the courtroom of the judge.~~

~~(b) A permittee who is a prosecuting attorney of an agency or political subdivision of the United States or of this State from carrying a concealed firearm while he or she is on the premises of a public building.~~

~~(c) A permittee who is employed in the public building from carrying a concealed firearm while he or she is on the premises of the public building.~~

~~(d) A permittee from carrying a concealed firearm while he or she is on the premises of the public building if the permittee has received written permission from the person in control of the public building to carry a concealed firearm while the permittee is on the premises of the public building.~~

~~[*5.*] *6.* A person who violates [subsection 2 or 3] *this section* is guilty of a misdemeanor.~~

~~[*6.*] *7.* As used in this section:~~

~~(a) "Child care facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.~~

~~(b) "Public building" means any building or office space occupied by:~~

~~(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System; or~~

~~(2) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.~~

~~If only part of the building is occupied by an entity described in this subsection, the term means only that portion of the building which is so occupied.~~] **(Deleted by amendment.)**

Sec. 8. [~~NRS 244.364, 268.418 and 269.222 are hereby repealed.~~] **(Deleted by amendment.)**

Sec. 9. "Family or household member" means, with respect to an adverse party, any:

1. Person related by blood, adoption or marriage to the adverse party within the first degree of consanguinity;

2. Person who has a child in common with the adverse party, regardless of whether the person has been married to the adverse party or has lived together with the adverse party at any time;

3. Domestic partner of the adverse party;

4. Person who has a biological or legal parent and child relationship with the adverse party, including, without limitation, a natural parent, adoptive parent, stepparent, stepchild, grandparent or grandchild;

5. Person who is acting or has acted as a guardian to the adverse party; or

6. Person who is currently in a dating or ongoing intimate relationship with the adverse party.

Sec. 10. 1. High-risk behavior occurs when a person:

(a) Uses, attempts to use or threatens the use of physical force against another person;

(b) Communicates a threat of imminent violence toward himself or herself or against another person;

(c) Commits an act of violence directed toward himself or herself or another person;

(d) Engages in a pattern of threats of violence or acts of violence against himself or herself or another person, including, without limitation, threats of violence or acts of violence that have caused another person to be in reasonable fear of physical harm to himself or herself;

(e) Exhibits conduct which a law enforcement officer reasonably determines would present a serious and imminent threat to the safety of the public;

(f) Engages in conduct which presents a danger to himself or herself or another person while:

(1) In possession, custody or control of a firearm; or

(2) Purchasing or otherwise acquiring a firearm;

(g) Abuses a controlled substance or alcohol while engaging in high-risk behavior as described in this section; or

(h) Acquires a firearm or other deadly weapon within the immediately preceding 6 months before the person otherwise engages in high-risk behavior as described in this section.

2. For the purposes of this section, a person shall be deemed to engage in high-risk behavior if he or she has previously been convicted of:

(a) Violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) Violating a temporary or extended order for protection against sexual assault issued pursuant to NRS 200.378; or

(c) A crime of violence, as defined in NRS 200.408, punishable as a felony.

Sec. 11. 1. A law enforcement officer who has probable cause to believe that a person poses a risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm may file a verified application for an ex parte or extended order.

2. A family or household member who reasonably believes that a person poses a risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm may file a verified application for an ex parte or extended order.

3. A verified application filed pursuant to this section must include, without limitation:

(a) The name of the person seeking the order and whether he or she is requesting an ex parte order or an extended order;

(b) The name and address, if known, of the person who is alleged to pose a risk pursuant to subsection 1 or 2; and

(c) A detailed description of the conduct and acts that constitute high-risk behavior and the dates on which the high-risk behavior occurred.

4. Service of an application for an extended order and the notice of hearing thereon must be served upon the adverse party pursuant to the Nevada Rules of Civil Procedure.

Sec. 12. 1. The court shall issue an ex parte order if the court finds by a preponderance of the evidence from facts shown by a verified application filed pursuant to section 11 of this act:

(a) That a person poses an imminent risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. The court may require the person who filed the verified application or the adverse party, or both, to appear before the court before determining whether to issue an ex parte order.

3. An ex parte order may be issued with or without notice to the adverse party.

4. Except as otherwise provided in this subsection, a hearing must not be held by telephone. The court shall hold a hearing on the ex parte order and shall issue or deny the ex parte order on the day the verified application is filed or the judicial day immediately following the day the verified application is filed. If the verified application is filed by a law enforcement

officer, the court may hold the hearing on the ex parte order by telephone, which must be recorded in the presence of the magistrate or in the immediate vicinity of the magistrate by a certified court reporter or by electronic means. Any such recording must be transcribed, certified by the reporter if the reporter made the recording and certified by the magistrate. The certified transcript must be filed with the clerk of the court.

5. A hearing on an application for an ex parte order must be held within 7 calendar days after the date on which the verified application for the order is filed.

6. In a county whose population is 100,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an ex parte order pursuant to subsection 4.

7. In a county whose population is less than 100,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an ex parte order pursuant to subsection 4.

8. The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

Sec. 13. 1. The court shall issue an extended order if the court finds by clear and convincing evidence from facts shown by a verified application filed pursuant to section 11 of this act:

(a) That a person poses a risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. A hearing on an application for an extended order must be held within 7 calendar days after the date on which the application for the extended order is filed.

3. The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

Sec. 14. Each ex parte or extended order issued pursuant to section 12 or 13 of this act must:

1. Require the adverse party to surrender any firearm in his or her possession or under his or her custody or control in the manner set forth in section 15 of this act.

2. Prohibit the adverse party from possessing or having under his or her custody or control any firearm while the order is in effect.

3. Include a provision ordering any law enforcement officer to arrest the adverse party with a warrant, or without a warrant if the officer has probable

cause to believe that the person has been served with a copy of the order and has violated a provision of the order.

4. State the reasons for the issuance of the order.

5. Include instructions for surrendering any firearm as ordered by the court.

6. State the time and date on which the order expires.

7. Require the adverse party to surrender any permit issued pursuant to NRS 202.3657.

8. Include the following statement:

WARNING

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an ex parte or extended order and any other crime that you may have committed in disobeying this order.

Sec. 15. 1. After a court orders an adverse party to surrender any firearm pursuant to section 14 of this act, the adverse party shall, immediately after service of the order:

(a) Surrender any firearm in his or her possession or under his or her custody or control to the appropriate law enforcement agency designated by the court in the order; or

(b) Surrender any firearm in his or her possession or under his or her custody or control to a person, other than a person who resides with the adverse party, designated by the court in the order.

2. If the court orders the adverse party to surrender any firearm to a law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the adverse party with a receipt which includes a description of each firearm surrendered and the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide the original receipt to the court. The law enforcement agency shall store any such firearm or may contract with a licensed firearm dealer to provide storage.

3. If the court orders the adverse party to surrender any firearm to a person designated by the court pursuant to paragraph (b) of subsection 1, the adverse party shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm, provide to the court and the appropriate law enforcement agency the name and address of the person designated in the order and a written description of each firearm surrendered.

4. If there is probable cause to believe that the adverse party has not surrendered any firearm in his or her possession or under his or her custody or control within the time set forth in subsections 2 and 3, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the officer to enter and search any place where there is probable cause to believe any such firearm is located and seize the firearm.

5. If, while executing a search warrant pursuant to subsection 4, the health or safety of the officer or the adverse party is put at risk because of any action of the adverse party, the law enforcement officer is under no duty to continue to attempt to execute the search warrant and the execution of the warrant shall be deemed unsuccessful. If such execution is unsuccessful, the law enforcement agency shall, as soon as practicable after the risk has subsided, attempt to execute the search warrant until the search warrant is successfully executed.

6. A law enforcement agency shall return any surrendered or seized firearm to the adverse party:

(a) In the manner provided by the policies and procedures of the law enforcement agency;

(b) After confirming that:

(1) The adverse party is eligible to own or possess a firearm under state and federal law; and

(2) Any ex parte or extended order issued pursuant to section 12 or 13 of this act is dissolved or no longer in effect; and

(c) As soon as practicable but not more than 14 days after the dissolution of an ex parte or extended order.

7. If a person other than the adverse party claims title to any firearm surrendered or seized pursuant to this section and he or she is determined by the law enforcement agency to be the lawful owner, the firearm must be returned to him or her, if:

(a) The lawful owner agrees to store the firearm in a manner such that the adverse party does not have access to or control of the firearm; and

(b) The law enforcement agency determines that:

(1) The firearm is not otherwise unlawfully possessed by the lawful owner; and

(2) The person is eligible to own or possess a firearm under state or federal law.

8. As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 16. 1. The clerk of the court or other person designated by the court shall provide any family or household member who files a verified application pursuant to section 11 of this act or any adverse party, free of cost, with information about the:

(a) Availability of ex parte or extended orders;

(b) Procedures for filing an application for such an order;

(c) Procedures for modifying, dissolving or renewing such an order; and

(d) Right to proceed without counsel.

2. The clerk of the court or other person designated by the court shall assist any person in completing and filing the application, affidavit and any other paper or pleading necessary to initiate or respond to an application for an ex parte or extended order. This assistance does not constitute the

practice of law, but the clerk shall not render any advice or service that requires the professional judgment of an attorney.

Sec. 17. 1. The court shall transmit, by the end of the next business day after an ex parte or extended order is issued or renewed, a copy of the order to the appropriate law enforcement agency.

2. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the ex parte or extended order and file with or mail to the clerk of the court proof of service by the end of the next business day after service is made.

3. If, while attempting to serve the adverse party personally pursuant to subsection 2, the health or safety of the officer or the adverse party is put at risk because of any action of the adverse party, the law enforcement officer is under no duty to continue to attempt to serve the adverse party personally and the service shall be deemed unsuccessful. If such service is unsuccessful, the law enforcement agency shall, as soon as practicable after the risk has subsided, attempt to serve the adverse party personally until the ex parte or extended order is successfully served.

4. A law enforcement agency shall enforce an ex parte or extended order without regard to the county in which the order was issued.

5. The clerk of the court shall issue, without fee, a copy of the ex parte or extended order to any family or household member who files a verified application pursuant to section 11 of this act or the adverse party.

Sec. 18. 1. Whether or not a violation of an ex parte or extended order occurs in the presence of a law enforcement officer, the officer may arrest and take into custody an adverse party:

(a) With a warrant; or

(b) Without a warrant if the officer has probable cause to believe that:

(1) An order has been issued pursuant to section 12 or 13 of this act against the adverse party;

(2) The adverse party has been served with a copy of the order; and

(3) The adverse party is acting in violation of the order.

2. If a law enforcement officer cannot verify that the adverse party was served with a copy of the application and ex parte or extended order, the officer shall:

(a) Inform the adverse party of the specific terms and conditions of the order;

(b) Inform the adverse party that he or she has notice of the provisions of the order and that a violation of the order will result in his or her arrest;

(c) Inform the adverse party of the location of the court that issued the original order and the hours during which the adverse party may obtain a copy of the order; and

(d) Inform the adverse party of the date and time set for a hearing on an application for an ex parte or extended order, if any.

3. Information concerning the terms and conditions of the ex parte or extended order, the date and time of any notice provided to the adverse party

and the name and identifying number of the law enforcement officer who gave the notice must be provided in writing to the applicant and noted in the records of the law enforcement agency and the court.

Sec. 19. 1. An ex parte order expires within such time, not to exceed 7 days, as the court fixes. If a verified application for an extended order is filed within the period of an ex parte order or at the same time as an application for an ex parte order pursuant to section 11 of this act, the ex parte order remains in effect until the hearing on the extended order is held.

2. An extended order expires within such time, not to exceed 1 year, as the court fixes.

3. The family or household member or law enforcement officer who filed the verified application or the adverse party may request in writing to appear and move for the dissolution of an ex parte or extended order. Upon a finding by clear and convincing evidence that the adverse party no longer poses a risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm, the court shall dissolve the order. If the court finds that all parties agree to dissolve the order, the court shall dissolve the order upon a finding of good cause.

4. Not less than 3 months before the expiration of an extended order and upon petition by a family or household member or law enforcement officer, the court may, after notice and a hearing, renew an extended order upon a finding by clear and convincing evidence. Such an order expires within a period, not to exceed 1 year, as the court fixes.

Sec. 20. 1. Any time that a court issues an ex parte or extended order or renews an extended order and any time that a person serves such an order or receives any information or takes any other action pursuant to sections 2 to 22, inclusive, of this act, the person shall, by the end of the next business day:

(a) Cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository; and

(b) Transmit a copy of the order to the Attorney General.

2. If the Central Repository for Nevada Records of Criminal History receives any information described in subsection 1, the adverse party may petition the court for an order declaring that the basis for the information transmitted no longer exists.

3. A petition brought pursuant to subsection 2 must be filed in the court which issued the ex parte or extended order.

4. The court shall grant the petition and issue the order described in subsection 2 if the court finds that the basis for the ex parte or extended order no longer exists.

5. The court, upon granting the petition and entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public

Safety, a record of the order to be transmitted to the Central Repository for Nevada Records of Criminal History.

6. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 5, the Central Repository for Nevada Records of Criminal History shall take reasonable steps to ensure that the information concerning the adverse party is removed from the Central Repository.

7. If the Central Repository for Nevada Records of Criminal History fails to remove the information as provided in subsection 6, the adverse party may bring an action to compel the removal of the information. If the adverse party prevails in the action, the court may award the adverse party reasonable attorney's fees and costs incurred in bringing the action.

8. If a petition brought pursuant to subsection 2 is denied, the adverse party may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 21. 1. A person shall not file a verified application for an ex parte or extended order:

(a) Which he or she knows or has reason to know is false or misleading; or

(b) With the intent to harass the adverse party.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 22. A person who intentionally violates an ex parte or extended order is, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, guilty of a misdemeanor.

Sec. 23. **NRS 33.095 is hereby amended to read as follows:**

33.095 1. Any time that a court issues a temporary or extended order and any time that a person serves such an order, registers such an order, registers a Canadian domestic-violence protection order or receives any information or takes any other action pursuant to NRS 33.017 to 33.100, inclusive, or NRS 33.110 to 33.158, inclusive, the person shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

2. ***Any time that a court issues an ex parte or extended order pursuant to section 12 or 13 of this act, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.***

3. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in NRS 33.119.

Sec. 24. **NRS 193.166 is hereby amended to read as follows:**

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is

punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) ***An ex parte or extended order for protection against high-risk behavior issued pursuant to section 12 or 13 of this act;***

(e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

~~[(e)]~~ ***(f)*** A temporary or extended order issued pursuant to NRS 200.378; or

~~[(f)]~~ ***(g)*** A temporary or extended order issued pursuant to NRS 200.591,

➥ shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

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

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

(e) Any other relevant information.

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

3. The sentence prescribed by this section:

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

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

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

~~[Section 1.]~~ ***Sec. 25.*** Chapter 202 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 and 3 of this act.~~

~~Sec. 2.]~~ **a new section to read as follows:**

1. Except as otherwise provided in subsection 3, a person shall not import, sell, manufacture, transfer, receive or possess:

(a) Any manual, power-driven or electronic device that is designed such that when the device is attached to a semiautomatic firearm, the device eliminates the need for the operator of a semiautomatic firearm to make a separate movement for each individual function of the trigger and:

(1) Materially increases the rate of fire of the semiautomatic firearm; or

(2) Approximates the action or rate of fire of a machine gun;

(b) Any part or combination of parts that is designed and functions to eliminate the need for the operator of a semiautomatic firearm to make a separate movement for each individual function of the trigger and:

(1) Materially increases the rate of fire of a semiautomatic firearm; or

(2) Approximates the action or rate of fire of a machine gun; or

(c) Any semiautomatic firearm that has been modified in any way that eliminates the need for the operator of the semiautomatic firearm to make a separate movement for each individual function of the trigger and:

(1) Materially increases the rate of fire of the semiautomatic firearm; or

(2) Approximates the action or rate of fire of a machine gun.

2. A person who violates any provision of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. This section does not apply to:

(a) Any employee of a federal, state or local law enforcement agency carrying out official duties.

(b) Any member of the Armed Forces of the United States carrying out official duties.

~~[Sec. 4.]~~ ***Sec. 26.*** NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[.]~~ ***, and ~~[sections 2 and 3]~~ section 25 of this act:***

1. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

2. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

3. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

4. ***"Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.***

5. "Motor vehicle" means every vehicle that is self-propelled.

6. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

~~[Sec. 5.]~~ ***Sec. 27.*** NRS 202.257 is hereby amended to read as follows:

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of ~~[0.10]~~ ***0.08*** or more in his or her blood or breath; or

(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,

➥ to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self-defense.

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is requested by a police officer to submit to the test. If a person to be tested fails to submit to a required test as requested by a police officer, the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.

3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.

5. As used in this section, the phrase "concentration of alcohol of ~~[0.10]~~ ***0.08*** or more in his or her blood or breath" means ~~[0.10]~~ ***0.08*** gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.

Sec. 28. **NRS 202.300 is hereby amended to read as follows:**

202.300 1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.

2. A person who aids or knowingly permits a child to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any subsequent offense, 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.

3. A person does not aid or knowingly permit a child to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his or her official duties.

4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.

5. ***Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:***

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

6. Except as otherwise provided in subsection ~~[8.]~~ ***9,*** a child who is 14 years of age or older, who has in his or her possession a valid license to hunt, may handle or have in his or her possession or under his or her control, without being accompanied by his or her parent or guardian or an adult person

authorized by his or her parent or guardian to have control or custody of the child:

(a) A rifle or shotgun that is not a fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun; or

(b) A firearm capable of being concealed upon the person, if the child has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm and the child is not otherwise prohibited by law from possessing such a firearm,

➥ and the child is traveling to the area in which the child will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.

~~[6.]~~ *7.* Except as otherwise provided in subsection ~~[8,]~~ *9,* a child who is 14 years of age or older may handle or have in his or her possession or under his or her control a rifle or shotgun that is not a fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun and the child is:

(a) Attending a course of instruction in the responsibilities of hunters or a course of instruction in the safe use of firearms;

(b) Practicing the use of a firearm at an established firing range or at any other area where the discharge of a firearm is permitted;

(c) Participating in a lawfully organized competition or performance involving the use of a firearm;

(d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and the child is engaging in a lawful hunting activity in accordance with chapter 502 of NRS for which a license is not required;

(e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d), and the firearm is not loaded;

(f) On real property that is under the control of an adult, and the child has the permission of that adult to possess the firearm on the real property; or

(g) At his or her residence.

~~[7.]~~ *8.* Except as otherwise provided in subsection ~~[8,]~~ *9,* a child who is 14 years of age or older may handle or have in his or her possession or under his or her control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection ~~[6,]~~ *7,* a firearm capable of being concealed upon the person, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child:

(a) Has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm for the purpose of engaging in such an activity; and

(b) Is not otherwise prohibited by law from possessing such a firearm.

~~[8.]~~ ***9.*** A child shall not handle or have in his or her possession or under his or her control a loaded firearm if the child is:

(a) An occupant of a motor vehicle;

(b) Within any residence, including his or her residence, or any building other than a facility licensed for target practice, unless possession of the firearm is necessary for the immediate defense of the child or another person; or

(c) Within an area designated by a county or municipal ordinance as a populated area for the purpose of prohibiting the discharge of weapons, unless the child is within a facility licensed for target practice.

~~[9.]~~ ***10.*** For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

~~[Sec. 6.]~~ ***Sec. 29.*** NRS 202.350 is hereby amended to read as follows:

202.350 1. Except as otherwise provided in this section and NRS 202.3653 to 202.369, inclusive, a person within this State shall not:

(a) Manufacture or cause to be manufactured, or import into the State, or keep, offer or expose for sale, or give, lend or possess any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sand-club, sandbag or metal knuckles;

(b) Manufacture or cause to be manufactured, or import into the State, or keep, offer or expose for sale, or give, lend, possess or use a machine gun or a silencer, unless authorized by federal law;

(c) With the intent to inflict harm upon the person of another, possess or use a nunchaku or trefoil; or

(d) Carry concealed upon his or her person any:

(1) Explosive substance, other than ammunition or any components thereof;

(2) Machete; or

(3) Pistol, revolver or other firearm, other dangerous or deadly weapon or pneumatic gun.

2. Except as otherwise provided in NRS 202.275 and 212.185, a person who violates any of the provisions of:

(a) Paragraph (a) or (c) of subsection 1 or subparagraph (2) of paragraph (d) of subsection 1 is guilty:

(1) For the first offense, of a gross misdemeanor.

(2) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

(b) Paragraph (b) of subsection 1 or subparagraph (1) or (3) of paragraph (d) of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in this subsection, the sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which a concealed weapon is to be carried, issue a permit authorizing the applicant to carry in this State the concealed weapon described in the permit. This subsection does not authorize the sheriff to issue a permit to a person to carry a pistol, revolver or other firearm.

4. Except as otherwise provided in subsection 5, this section does not apply to:

(a) Sheriffs, constables, marshals, peace officers, correctional officers employed by the Department of Corrections, special police officers, police officers of this State, whether active or honorably retired, or other appointed officers.

(b) Any person summoned by any peace officer to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such an officer.

(c) Any full-time paid peace officer of an agency of the United States or another state or political subdivision thereof when carrying out official duties in the State of Nevada.

(d) Members of the Armed Forces of the United States when on duty.

5. The exemptions provided in subsection 4 do not include a former peace officer who is retired for disability unless his or her former employer has approved his or her fitness to carry a concealed weapon.

6. The provisions of paragraph (b) of subsection 1 do not apply to any person who is licensed, authorized or permitted to possess or use a machine gun or silencer pursuant to federal law. The burden of establishing federal licensure, authorization or permission is upon the person possessing the license, authorization or permission.

7. This section shall not be construed to prohibit a qualified law enforcement officer or a qualified retired law enforcement officer from carrying a concealed weapon in this State if he or she is authorized to do so pursuant to 18 U.S.C. § 926B or 926C.

8. As used in this section:

(a) "Concealed weapon" means a weapon described in this section that is carried upon a person in such a manner as not to be discernible by ordinary observation.

(b) "Honorably retired" means retired in Nevada after completion of 10 years of creditable service as a member of the Public Employees' Retirement System. A former peace officer is not "honorably retired" if he or she was discharged for cause or resigned before the final disposition of allegations of serious misconduct.

(c) ~~[“Machine gun” means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.~~

~~— (d)]~~ “Nunchaku” means an instrument consisting of two or more sticks, clubs, bars or rods connected by a rope, cord, wire or chain used as a weapon in forms of Oriental combat.

~~[(e)]~~ ***(d)*** “Pneumatic gun” has the meaning ascribed to it in NRS 202.265.

~~[(f)]~~ ***(e)*** “Qualified law enforcement officer” has the meaning ascribed to it in 18 U.S.C. § 926B(c).

~~[(g)]~~ ***(f)*** “Qualified retired law enforcement officer” has the meaning ascribed to it in 18 U.S.C. § 926C(c).

~~[(h)]~~ ***(g)*** “Silencer” means any device for silencing, muffling or diminishing the report of a firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a silencer or muffler, and any part intended only for use in such assembly or fabrication.

~~[(i)]~~ ***(h)*** “Trefoil” means an instrument consisting of a metal plate having three or more radiating points with sharp edges, designed in the shape of a star, cross or other geometric figure and used as a weapon for throwing.

Sec. 30. **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 of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(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 subject to an ex parte or extended order for protection against high-risk behavior issued pursuant to section 12 or 13 of this act.***

(i) 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)]~~ ***(j)*** 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)]~~ ***(k)*** Has made a false statement on any application for a permit or for the renewal of a permit.

~~[(k)]~~ ***(l)*** 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. 31. **NRS 502.010 is hereby amended to read as follows:**

502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in subsection ~~[5 or]~~ 6 ***or 7*** of NRS 202.300 and NRS 502.066, it is unlawful for any child who is under 18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by the child's parent or guardian or is accompanied at all times by an adult person authorized by the child's parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of wildlife which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare 1 day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.

~~[Sec. 9.]~~ ***Sec. 32.*** **1.** This ~~[act becomes]~~ **section and sections 25 to 28, inclusive, and 31 of this act become** effective upon passage and approval.

2. Sections 1 to 24, inclusive, 29 and 30 of this act become effective on January 1, 2020.

~~]~~

~~TEXT OF REPEALED SECTIONS~~

~~244.364 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of county; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.~~

~~1. The Legislature hereby declares that:~~

~~(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.~~

~~(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.~~

~~(c) This section must be liberally construed to effectuate its purpose.~~

~~2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No county may infringe upon those rights and powers.~~

~~3. A board of county commissioners may proscribe by ordinance or regulation the unsafe discharge of firearms.~~

~~4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a county in violation of this section is void.~~

~~5. A board of county commissioners shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the county must be removed.~~

~~6. A board of county commissioners shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the county or any county agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.~~

~~7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015,~~

~~may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:~~

~~(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.~~

~~(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the board of county commissioners repeals the ordinance or regulation that violates this section.~~

~~(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.~~

~~8. This section must not be construed to prevent:~~

~~(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.~~

~~(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.~~

~~(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.~~

~~(d) The enactment or enforcement of a county zoning or business ordinance which is generally applicable to businesses within the county and thereby affects a firearms business within the county, including, without limitation, an indoor or outdoor shooting range.~~

~~(e) A county from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the county.~~

~~(f) A political subdivision from sponsoring or conducting a firearm-related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.~~

~~(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.~~

~~9. As used in this section:~~

~~(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle loading firearms and any propellant used in firearms or ammunition.~~

~~(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to~~

~~expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.~~

~~(c) "Firearm accessories" means:~~

~~(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or~~

~~(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.~~

~~(d) "Person" includes, without limitation:~~

~~(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.~~

~~(2) Any person who:~~

~~(I) Can legally possess a firearm under state and federal law;~~

~~(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a county; and~~

~~(III) Is subject to the county ordinance or regulation at issue.~~

~~(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.~~

~~(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.~~

~~(f) "Public employer" has the meaning ascribed to it in NRS 286.070.~~

~~268.418 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of city; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.~~

~~1. The Legislature hereby declares that:~~

~~(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to bear arms, which is recognized by the United States Constitution and the Nevada Constitution.~~

~~(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.~~

~~(c) This section must be liberally construed to effectuate its purpose.~~

~~2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No city may infringe upon those rights and powers.~~

~~3. The governing body of a city may prescribe by ordinance or regulation the unsafe discharge of firearms.~~

~~4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a city in violation of this section is void.~~

~~5. The governing body of a city shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the city must be removed.~~

~~6. The governing body of a city shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the city or any city agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.~~

~~7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:~~

~~(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.~~

~~(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the governing body of the city repeals the ordinance or regulation that violates this section.~~

~~(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.~~

~~8. This section must not be construed to prevent:~~

~~(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.~~

~~(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.~~

~~(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.~~

~~(d) The enactment or enforcement of a city zoning or business ordinance which is generally applicable to businesses within the city and thereby affects a firearms business within the city, including, without limitation, an indoor or outdoor shooting range.~~

~~(e) A city from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the city.~~

~~(f) A political subdivision from sponsoring or conducting a firearm related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.~~

~~(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.~~

~~9. As used in this section:~~

~~(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle-loading firearms and any propellant used in firearms or ammunition.~~

~~(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle-loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.~~

~~(c) "Firearm accessories" means:~~

~~(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or~~

~~(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.~~

~~(d) "Person" includes, without limitation:~~

~~(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.~~

~~(2) Any person who:~~

~~(I) Can legally possess a firearm under state and federal law;~~

~~(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a city; and~~

~~(III) Is subject to the city ordinance or regulation at issue.~~

~~(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.~~

~~(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.~~

~~(f) "Public employer" has the meaning ascribed to it in NRS 286.070.~~

~~269.222 State control over regulation of firearms, firearm accessories and ammunition; limited regulatory authority of town; conflicting ordinance or regulation void; records of ownership of firearms; civil action by person adversely affected by enforcement of conflicting ordinance or regulation.~~

~~1. The Legislature hereby declares that:~~

~~(a) The purpose of this section is to establish state control over the regulation of and policies concerning firearms, firearm accessories and ammunition to ensure that such regulation and policies are uniform throughout this State and to ensure the protection of the right to keep and bear arms, which is recognized by the United States Constitution and the Nevada Constitution.~~

~~(b) The regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in this State and the ability to define such terms is within the exclusive domain of the Legislature, and any other law, regulation, rule or ordinance to the contrary is null and void.~~

~~(c) This section must be liberally construed to effectuate its purpose.~~

~~2. Except as otherwise provided by specific statute, the Legislature reserves for itself such rights and powers as are necessary to regulate the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration and licensing of firearms, firearm accessories and ammunition in Nevada and to define such terms. No town may infringe upon those rights and powers.~~

~~3. A town board may proscribe by ordinance or regulation the unsafe discharge of firearms.~~

~~4. Any ordinance or regulation which is inconsistent with this section or which is designed to restrict or prohibit the sale, purchase, transfer, manufacture or display of firearms, firearm accessories or ammunition that is otherwise lawful under the laws of this State is null and void, and any official action taken by an employee or agent of a town in violation of this section is void.~~

~~5. A town board shall repeal any ordinance or regulation described in subsection 4, and any such ordinance or regulation that is posted within the town must be removed.~~

~~6. A town board shall cause to be destroyed any ownership records of firearms owned by private persons which are kept or maintained by the town or any town agency, board or commission, including, without limitation, any law enforcement agency, for the purposes of compliance with any ordinance or regulation that is inconsistent with this section. The provisions of this subsection do not apply to the ownership records of firearms purchased and owned by any political subdivision of this State.~~

~~7. Any person who is adversely affected by the enforcement of an ordinance or regulation that violates this section on or after October 1, 2015, may file suit in the appropriate court for declaratory and injunctive relief and damages attributable to the violation. Notwithstanding any other provision of law, such a person is entitled to:~~

~~(a) Reimbursement of actual damages, reasonable attorney's fees and costs which the person has incurred if, within 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.~~

~~(b) Liquidated damages in an amount equal to two times the actual damages, reasonable attorney's fees and costs incurred by the person if, more than 30 days after the person commenced the action but before a final determination has been issued by the court, the town board repeals the ordinance or regulation that violates this section.~~

~~(c) Liquidated damages in an amount equal to three times the actual damages, reasonable attorney's fees and costs incurred by the person if the court makes a final determination in favor of the person.~~

~~8. This section must not be construed to prevent:~~

~~(a) A law enforcement agency or correctional institution from promulgating and enforcing its own rules pertaining to firearms, firearm accessories or ammunition that are issued to or used by peace officers in the course of their official duties.~~

~~(b) A court or administrative law judge from hearing and resolving a case or controversy or issuing an opinion or order on a matter within its jurisdiction.~~

~~(c) A public employer from regulating or prohibiting the carrying or possession of firearms, firearm accessories or ammunition during or in the course of an employee's official duties.~~

~~(d) The enactment or enforcement of a town zoning or business ordinance which is generally applicable to businesses within the town and thereby affects a firearms business within the town, including, without limitation, an indoor or outdoor shooting range.~~

~~(e) A town from enacting and enforcing rules for the operation and use of any firearm range owned and operated by the town.~~

~~(f) A political subdivision from sponsoring or conducting a firearm related competition or educational or cultural program and enacting and enforcing rules for participation in or attendance at any such competition or program.~~

~~(g) A political subdivision or any official thereof with appropriate authority from enforcing any statute of this State.~~

~~9. As used in this section:~~

~~(a) "Ammunition" includes, without limitation, fixed cartridge ammunition and the individual components thereof, shotgun shells and the individual components thereof, projectiles for muzzle loading firearms and any propellant used in firearms or ammunition.~~

~~(b) "Firearm" includes, without limitation, a pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, muzzle loading firearm or any device which is designed to, able to or able to be readily converted to expel a projectile through the barrel by the action of an explosive, other form of combustion or expanding gases.~~

~~(c) "Firearm accessories" means:~~

~~(1) Devices specifically designed or adapted to enable the wearing or carrying of a firearm or the storing in or mounting on a conveyance of a firearm; or~~

~~(2) Attachments or devices specifically designed or adapted to be inserted into or affixed on a firearm to enable, alter or improve the functioning or capability of the firearm.~~

~~(d) "Person" includes, without limitation:~~

~~(1) Any person who has standing to bring or maintain an action concerning this section pursuant to the laws of this State.~~

~~(2) Any person who:~~

~~(I) Can legally possess a firearm under state and federal law;~~

~~(II) Owns, possesses, stores, transports, carries or transfers firearms, ammunition or ammunition components within a town; and~~

~~(III) Is subject to the town ordinance or regulation at issue.~~

~~(3) A membership organization whose members include a person described in subparagraphs (1) and (2) and which is dedicated in whole or in part to protecting the legal, civil or constitutional rights of its members.~~

~~(e) "Political subdivision" includes, without limitation, a state agency, county, city, town or school district.~~

~~(f) "Public employer" has the meaning ascribed to it in NRS 286.070.]~~

Assemblyman Yeager moved that the Assembly concur in the Senate Amendment No. 1027 to Assembly Bill No. 291.

Remarks by Assemblymen Yeager, Titus, Carlton, Edwards, Kramer, and Jauregui.

ASSEMBLYMAN YEAGER:

This amendment does the following: It deletes sections of the original bill that revised the statewide preemption of a local government's ability to regulate firearms. Sections 2 through 22 establish procedures for the issuance of ex parte or extended orders when a person poses a risk of personal injury to himself or herself or another person under certain circumstances. Section 25 contains the provisions concerning bump stocks that were part of the original bill. Section 27 contains the original provisions of the bill reducing the allowable blood alcohol concentration that may be present in order for a person to legally be in possession of a firearm. Section 28 makes it a misdemeanor to negligently store or leave a firearm at a location under his or her control if a person knows or has reason to know that there is a substantial risk that a child who is otherwise prohibited from handling, possessing, or controlling a firearm may obtain such a firearm, and such negligent storage causes the child or another person to be injured.

As a body, we have a responsibility to take reasonable commonsense efforts to prevent gun violence deaths here in our state of Nevada. Inclusion of the extreme risk protection order and safe storage of firearms in this bill will save lives. I have no doubt that Assembly Bill 291, with the adoption of Amendment 1027, will prevent deaths due to gun violence and suicide and will likely prevent future mass shootings in our great state. For those reasons, I urge my colleagues to vote in favor of adopting the amendment.

ASSEMBLYWOMAN TITUS:

I would like to go to Order of Business 8 for moving A.B. 291 to Ways and Means for the following reasons. A.B. 291 should be referred to the Ways and Means. The Department of Public Safety [DPS] is having to do a private party background check and here again, we are giving an individual workload with no way to pay for it. Under A.B. 291, the courts are mandated to be available to process these orders as well as transmit records in an expedited fashion. Additionally,

they will be responsible for handling appeals and extensions. Further, there are new mandates in the Department of Public Safety to input these records. The Central Repository will have an increased workload to input and remove these records. Lastly, the Central Repository will be liable for attorney fees and costs if there is a failure to remove the records. I really feel we should, at the appropriate point, put this in Ways and Means.

ASSEMBLYWOMAN CARLTON:

With all due respect to my colleague, there is nothing that would prohibit anyone within state agencies from coming to the Interim Finance Committee [IFC] over the interim if there was a need. But all monies that they have asked for, as far as their budgets go, are fine.

I know we always want to try and consider the local impact and the municipal impact, but those are not within our jurisdiction so we do not take those into account. As I said, there is nothing that would prohibit anyone from coming to IFC and having a conversation about resources that would be needed for what I feel is a very worthy bill.

ASSEMBLYMAN EDWARDS:

So many times on Ways and Means and especially at IFC, I always heard the complaint that certain things brought to IFC should be left to the legislative session. I think this is one of them. There are definitely costs involved in this, and I think that we should address them while the entire Legislature is here to address them. To not do so does not make sense. I have had bills that cost far less than what I am sure this will, and they are all dying in Ways and Means. I think this needs to be considered by Ways and Means, in the full committee, to make sure that they do have the resources and that they are provided while we are here, not during IFC. Clearly we have the time to do it. I think it would be irresponsible not to do so.

ASSEMBLYMAN KRAMER:

I look to the local governments in Nevada. This is an unfunded mandate to them for the courts to act on a 24-hour basis. If this is really so important that we need to do this, then we need to fund it at the local government level. We need to make an appropriation to the local governments to fund that, if it is really that important. I just cannot go along with unfunded mandates.

ASSEMBLYWOMAN JAUREGUI:

I rise today in support of Assembly Bill 291. I think every member in this body has heard me share my story of the horrific events of October 1, 2017. But yesterday afternoon, a long-time city employee shot and killed 12 people and injured at least 4 more in Virginia Beach, Virginia, making it the country's deadliest mass shooting this year. But we cannot forget that the deadliest mass shooting in our country's history happened right here in our home of Nevada.

In the hearing we heard witnesses say that this would not have prevented 1 October. Well, as someone who was there and had to flee for her life that horrific evening, I say shame on them for presuming to know what the shooter's family or law enforcement knew. As reported by NBC News on October 6, 2017, just five days after the shooting, girlfriend Marilou Danley said he was experiencing strange and odd behavior, including laying in bed and moaning loudly. He was experiencing other strange behaviors like paranoia and constantly looking out the windows, as reported by the *Review Journal*. All of these behaviors were believed to be distress and signs of mental health disorder.

Extreme risk protection orders are a powerful tool to preventing gun violence. Between 2013 and 2017 nearly 2,300 Nevadans were shot and killed with a firearm. According to the Centers for Disease Control [CDC], 53 percent of all suicide deaths were carried out with a gun, killing nearly 1,600 Nevadans. This is not a partisan issue. These recommendations all came out of the current Presidential Administration's Report on the Federal Commission on School Safety. Members, I urge you to support this bill that will help give family and law enforcement the tools they need to make Nevada safer.

I could not be more proud to have my name on this piece of legislation because this piece of legislation will save lives.

Motion carried on a division of the house 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 1:06 p.m.

ASSEMBLY IN SESSION

At 1:47 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Frierson, Monroe-Moreno, Assefa, Backus, Benitez-Thompson, Bilbray-Axelrod, Carlton, Carrillo, Cohen, Daly, Duran, Edwards, Ellison, Flores, Fumo, Gorelow, Hafen, Hambrick, Hansen, Hardy, Jauregui, Kramer, Krasner, Leavitt, Martinez, McCurdy, Miller, Munk, Neal, Nguyen, Peters, Roberts, Smith, Spiegel, Swank, Titus, Tolles, Torres, Watts, Wheeler and Yeager; Senators Spearman, Cannizzaro, Brooks, Cancela, Denis, Dondero Loop, Goicoechea, Hammond, Hansen, Hardy, Harris, Kieckhefer, Ohrenschall, Parks, Pickard, Ratti, Scheible, Seevers Gansert, Settelmeyer, Washington and Woodhouse:

Assembly Concurrent Resolution No. 9—Celebrating the life of Assemblyman Odis "Tyrone" Thompson.

WHEREAS, The members of the Nevada Legislature on this day remember and celebrate the life of an esteemed colleague and dedicated public servant, State Assemblyman Odis "Tyrone" Thompson; and

WHEREAS, Assemblyman Thompson was born on September 30, 1967, in Las Vegas, Nevada, to Odis and Vertis Thompson; and

WHEREAS, After graduating from Valley High School in Las Vegas in 1985, and graduating from Northern Arizona University in 1989, Assemblyman Thompson began a career in Nevada spanning three decades dedicated to public service, serving in various capacities in local and state government and volunteering for many important causes, including working on behalf of abused and neglected children in the foster care system as a court-appointed special advocate for more than 17 years; and

WHEREAS, When Assemblyman Thompson was appointed to the Nevada Assembly to fill a vacancy during the 2013 Legislative Session, he took the opportunity to study the issues and discovered a passion for representing his constituents, especially underrepresented persons, including homeless and vulnerable persons; and

WHEREAS, Assemblyman Thompson's hard work was rewarded when subsequently, he was elected to serve three more terms representing Assembly District 17; and

WHEREAS, During his tenure at the Nevada Legislature, Assemblyman Thompson championed many significant legislative measures, including legislation strengthening and expanding mentoring programs; seeking educational opportunities for pupils; addressing issues faced by homeless youth; dealing with important health care issues; addressing the reintegration of criminal offenders and much more; and

WHEREAS, Assemblyman Thompson served on various committees and held many positions at the Legislature, including being selected to serve during the 2019 Legislative Session as Assembly Majority Whip and Chair of the Assembly Committee on Education; and

WHEREAS, Assemblyman Thompson was a leader in his community, a role model and a selfless, hardworking public servant; and

WHEREAS, Above all else, Assemblyman Thompson loved his family and made certain his mother knew he held her dear, sending her flowers every Monday that he could not be with her while he was serving at the Legislature; and

WHEREAS, Assemblyman Thompson's famous heartwarming smile will be long remembered as the embodiment of his character, and his tireless advocacy, compassion for others, leadership, dedication and work ethic will continue to serve as an inspiration; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 80th Session of the Nevada Legislature remember and celebrate the life of Assemblyman Tyrone Thompson on this day and extend their deepest condolences to Tyrone's cherished mother, Vertis, his sister Sonja, and his extended family; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Assemblyman Thompson's mother and sister.

Assemblywoman Monroe-Moreno moved the adoption of the Resolution.

Resolution adopted.

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

Assembly in recess at 1:55 p.m.

ASSEMBLY IN SESSION

At 10:41 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 19, 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. 196, 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, June 1, 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. 319, Amendment No. 1050, 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, as amended, Senate Bills Nos. 90, 162, 174, 215, 344, 483.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 841, 908, 926 to Senate Bill No. 432.

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. 777 to Senate Bill No. 252; Assembly Amendment No. 824 to Senate Bill No. 480.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 8.

SHERRY RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 8.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 3.

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

Motion carried.

Senate Bill No. 80.

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

Motion carried.

Senate Bill No. 90.

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

Motion carried.

Senate Bill No. 162.

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

Motion carried.

Senate Bill No. 174.

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

Motion carried.

Senate Bill No. 198.

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

Motion carried.

Senate Bill No. 215.

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

Motion carried.

Senate Bill No. 216.

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

Motion carried.

Senate Bill No. 344.

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

Motion carried.

Senate Bill No. 421.

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

Motion carried.

Senate Bill No. 483.

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

Motion carried.

Senate Bill No. 493.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 196.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1079.

SUMMARY—Makes ~~[appropriations]~~ **an appropriation** for incentives for ~~[employing]~~ teachers **who currently teach** at Title I schools and underperforming schools. (BDR S-144)

AN ACT making ~~[appropriations]~~ **an appropriation** to the Department of Education for incentives for ~~[hiring new]~~ teachers ~~[to]~~ **who currently** teach at Title I schools and schools designated as underperforming **;** ~~[and incentives for certain teachers who transfer to teach at those schools;]~~ 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. 1. ~~[There is hereby appropriated from the State General Fund to the Department of Education to provide incentives for the hiring of new teachers to teach at Title I schools or schools that are designated as underperforming pursuant to the statewide system of accountability for public schools, the sum of $10,000,000.~~

~~—2.]~~ There is hereby appropriated from the State General Fund to the Department of Education to provide incentives for teachers who are currently employed to teach at a ~~[public school in Nevada that is not a]~~ Title I school or a school designated as underperforming pursuant to the statewide system of accountability for public schools ~~[and who transfer to teach at a Title I school or a school with that designation,]~~ the sum of ~~[$10,000,000.]~~ **$5,000,000.**

~~[3.]~~ **2.** The State Board of Education shall adopt regulations as necessary to carry out the provisions of this section.

~~[4.]~~ **3.** As used in this section, "Title I school" has the meaning ascribed to it in NRS 385A.040.

Sec. 2. Any remaining balance of the ~~[appropriations]~~ **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 ~~[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. 19.

Bill read third time.

Roll call on Assembly Bill No. 19:

YEAS—38.

NAYS—None.

EXCUSED—Martinez, Neal, Titus—3.

VACANT—1.

Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 196.

Bill read third time.

Roll call on Assembly Bill No. 196:

YEAS—38.

NAYS—None.

EXCUSED—Martinez, Neal, Titus—3.

VACANT—1.

Assembly Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 92, 222, 276, 416, and 526; Assembly Resolution No. 7; Senate Bills Nos. 8, 69, 111, 130, 153, 218, 221, 263, 346, 363, 427, 431, 435, 537, 542, 545, and 549; Senate Concurrent Resolutions Nos. 1 and 6.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Flores, Benitez-Thompson, and Leavitt as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 70.

REMARKS FROM THE FLOOR

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Sunday, June 2, 2019, at 9 a.m.

Motion carried.

Assembly adjourned at 10:55 p.m.

Approved:

JASON FRIERSON
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly