

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 19, 2019

Senate called to order at 12:51 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by the Chaplain, Staff Chaplain Peggy Locke.

Jeremiah 32:17: "Ah, Lord God! Behold, You have made the heavens and the earth by Your great power and outstretched arm. There is nothing too hard for You."

We give You thanks and praise today, O Most High, for our many blessings, our families, our fellow workers and the responsibility we have been given to represent the people of the Great State of Nevada. Strengthen and encourage us, we pray, to inspire hope in others for the future. We ask for divine grace and favor, wholeness and health, and for Your will and purposes to be fulfilled in us as we perform our duties with excellence and dedication.

May today be a reminder to us how much we are loved by Almighty God, and also remember that today it's Friday, but Sunday is coming. Happy Easter.

In the Name of Jesus Christ, we pray.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 37, 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which were referred Senate Bills Nos. 80, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Natural Resources, to which were referred Senate Bills Nos. 209, 347, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 18, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 358.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 1, 22, 41, 45, 61, 123, 177, 233, 258, 342, 404, 417, 418; Assembly Joint Resolutions Nos. 2, 6.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Joint Resolution No. 2.

Senator Ratti moved that the resolution be referred to the Committee on Natural Resources.

Motion carried.

Assembly Joint Resolution No. 6.

Senator Ratti moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senator Denis moved Senate Bill No. 403 from the Secretary's desk to the General File on the third Agenda.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 340 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 431 be taken from the Secretary's desk and placed on the General File on the third Agenda.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 438 be taken from the General File and placed on the Secretary's desk.

Motion carried.

Senator Spearman moved that Senate Bill No. 230 be taken from the Secretary's desk and placed on the Second Reading File on the third Agenda.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 1.

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

Motion carried.

Assembly Bill No. 22.

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

Motion carried.

Assembly Bill No. 41.

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

Motion carried.

Assembly Bill No. 45.

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

Motion carried.

Assembly Bill No. 61.

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

Motion carried.

Assembly Bill No. 123.

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

Motion carried.

Assembly Bill No. 177.

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

Motion carried.

Assembly Bill No. 233.

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

Motion carried.

Assembly Bill No. 258.

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

Motion carried.

Assembly Bill No. 342.

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

Motion carried.

Assembly Bill No. 404.

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

Motion carried.

Assembly Bill No. 417.

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

Motion carried.

Assembly Bill No. 418.

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

GENERAL FILE AND THIRD READING

Senate Bill No. 20.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 20 enacts certain provisions of the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act including, among others, authorizing the appointment of a temporary guardian with limited authority for a protected person or a protected minor for up to six months. It authorizes the Court to consider a temporary guardian's actions when considering an extension of a temporary order or issuance of an *ex parte* or emergency order. It provides for an expedited hearing for the transfer of a proposed protected person from one healthcare facility to a less restrictive healthcare facility, under certain circumstances. It adds exceptions to the requirement that a proposed protected person attend a hearing in person for the appointment of a guardian and authorizing the person's attendance by various electronic means. It authorizes the court to waive certain reporting requirements for guardians under some circumstances and clarifies what information must be included in a report. The bill establishes the order of priority for claims made by family members and other interested parties on a protected person's property. It increases, by \$1, the recording fee supporting representation of protected persons and expands the use of an existing fee-funded account held by the Court to support additional representation and self-help in minor guardianship proceedings.

Provisions addressing expedited hearings on moving a protected person to another facility are effective upon passage and approval. Provisions concerning the recording fee are effective on October 1, 2019. All other provisions are effective on July 1, 2019.

Roll call on Senate Bill No. 20:

YEAS—21.

NAYS—None.

Senate Bill No. 20 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 117.

Bill read third time.

Remarks by Senators Harris and Hammond.

SENATOR HARRIS:

Senate Bill No. 117 provides that any written instrument relating to certain transactions involving real property that contains any restriction or prohibition based on ancestry, color, disability, familial status, gender identity or expression, national origin, race, sex or sexual orientation is void. Thereby, the bill eliminates the need to file an affidavit with a county recorder declaring any of these restrictions or prohibitions void. The bill authorizes the owner or owners of any real property that is subject to such a restriction or prohibition to record a Declaration of Removal of Discriminatory Restriction Form designed by the Real Estate Division of the Department of Business and Industry to remove the restriction or prohibition from original recorded documents. Finally, the bill sets forth information that must be contained in such a declaration and provides that a county recorder may not record a declaration that does not contain the required information.

SENATOR HAMMOND:

Are homeowners able to disagree with this language? Who is able to discern what is objectionable? Is it the homeowner or someone who goes through a process to get it removed?

I would like to know the involvement of the homeowner in this process. If it is the homeowner, when they object and the language is removed, does it affect just their property or all the properties in that division?

SENATOR HARRIS:

There is no longer a physical striking of the original document. A form will make a clear explanation that these terms are unenforceable pursuant to NRS 111.237, which delineates what types of discriminatory provisions we are seeking to void in the original document. The form will be indexed in the same way all other forms are indexed and placed with the original document. It would depend on how the original document was indexed throughout a particular HOA community as to whether it would apply to the entire division. It would be filed in the same manner as all other papers would be filed.

Roll call on Senate Bill No. 117:

YEAS—21.

NAYS—None.

Senate Bill No. 117 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 163.

Bill read third time.

Remarks by Senators Kieckhefer and Ohrenschall.

SENATOR KIECKHEFER:

Senate Bill No. 163 includes "blockchain" and "public blockchain" within the definition of an accepted "electronic transmission" in relation to business communications and authorizes various businesses, including nonprofit corporations, to conduct recordkeeping via blockchain or public blockchain. The bill also provides that blockchain and public blockchain are included in the technologies available to various entities in carrying out their duties and powers.

SENATOR OHRENSCHALL:

I will be supporting Senate Bill No. 163. I appreciate my colleague from Senate District 16 and his willingness to work with me. I had concerns about further amendments to chapter 719 of NRS, which is our Uniform Electronic Transactions Act. I appreciate the hard work my colleague is doing. I have no problem with the substance of the bill. My concerns are with changing that section and whether we will still be in uniformity if we do. We have agreed to see if those concerns can be addressed on the other side, so I will be supporting this bill.

Roll call on Senate Bill No. 163:

YEAS—21.

NAYS—None.

Senate Bill No. 163 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 173.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 173 expands the list of offenses for which a victim of sex trafficking or involuntary servitude may petition to have criminal records vacated and sealed. It also limits the notification of and testimony by agencies in a hearing on such a petition to those in the county where the petitioner was convicted, and it provides that a District Court may seal a record in a

District Court regardless of whether such a request has been made. Additionally, a Court may seal a record without a hearing if a prosecutor stipulates to the petition, but a prosecutor has the right to present evidence to the Court in situations in which the prosecutor does not stipulate.

Roll call on Senate Bill No. 173:

YEAS—21.

NAYS—None.

Senate Bill No. 173 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 182.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 182 confers the same powers of a peace officer on persons employed by Indian tribes as law enforcement officers under certain circumstances. The authority of the officer is limited to within the boundaries of the Indian reservation or Indian colony unless the Indian tribe executes a written agreement with the county sheriff setting forth the nature of the relationship between the Indian tribe and the law enforcement agency, including the authority of the officer to act outside of the Indian reservation or Indian colony and within the geographic boundaries of the county. Additionally, before such an officer may exercise the powers of a peace officer outside of the Indian reservation or Indian colony, the officer must receive category I peace officer certification from the Peace Officers' Standards and Training Commission. The bill does not impair or affect the sovereignty of an Indian tribe.

Roll call on Senate Bill No. 182:

YEAS—21.

NAYS—None.

Senate Bill No. 182 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 207.

Bill read third time.

Remarks by Senators Brooks and Kieckhefer.

SENATOR BROOKS:

Senate Bill No. 207 requires a contractor or subcontractor on a public work to use, with certain exceptions, one or more apprentices for a certain percentage of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work. Specifically, the percentage required is at least 15 percent on vertical construction and at least 5 percent for horizontal construction. The Labor Commissioner is authorized to adjust annually the total hours of labor required to be performed by an apprentice by not more than two percentage points. The Labor Commissioner is authorized to grant a modification or waiver from the requirements if the Labor Commissioner finds good cause to do so. An apprentice who graduates from an apprenticeship program while employed on a public work must be deemed an apprentice for purposes of satisfying the percentage of apprentices required and a journeyman for purposes of payment of wages and benefits covered by a collective bargaining agreement

SENATOR KIECKHEFER:

I rise in opposition to Senate Bill No. 207. During Committee testimony on this bill, we heard from numerous contractors from both ends of the State who said it will effectively drive them out of doing business in public works. They have their own training programs, which are outside of

apprenticeship programs. They would ultimately be precluded from using their company employees if they wanted to do public work projects under the terms of this bill. There are limited exceptions, but they are not broad enough to capture everyone who spoke. Apprenticeships play an important role in the training and development of the construction workforce, but they are only one of the training options available to people entering this workspace. We need to ensure we are supporting all Nevadans not just certain subsets.

Roll call on Senate Bill No. 207:

YEAS—13.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settlemeyer—8.

Senate Bill No. 207 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 219.

Bill read third time.

Remarks by Senator Settlemeyer.

Senate Bill No. 219 authorizes an occupational or professional licensing board to enter into a contract to accept credit cards, debit cards or other electronic transfers of money and to charge and collect a convenience fee for any costs related to a transaction or participate in a contract entered into by the Director of the Office of Finance. The bill requires a board to establish written internal controls for all monetary withdrawals and for two board members to review the expenditures and supporting documentation on a regular basis.

Roll call on Senate Bill No. 219:

YEAS—21.

NAYS—None.

Senate Bill No. 219 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 236.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 236 provides that an application for a permit to change the place of diversion of groundwater already appropriated is not required in order for a person to sink or bore a replacement well where both the original and replacement wells are located on property owned by the same person and the site of the replacement well is located not more than 300 feet from the original place of the diversion.

Roll call on Senate Bill No. 236:

YEAS—21.

NAYS—None.

Senate Bill No. 236 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 242.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 242 provides certain rights to peace officers. The bill requires that a suspended peace officer be granted back pay under certain circumstances. A superior officer must stop questioning a peace officer if the peace officer reasonably believes the questioning could result in punitive action and the peace officer requests representation. A peace officer's compelled statement may not be used against the peace officer in a civil case without his or her consent with limited exceptions. A law enforcement agency is prohibited from initiating certain investigations of a peace officer more than one year after the misconduct allegedly occurred unless the alleged misconduct would be a crime punishable pursuant to State or federal law. A law enforcement agency may not reopen an investigation of a peace officer if the agency determines that no misconduct occurred unless the agency discovers new material evidence related to the matter. A peace officer may not be reassigned without his or her consent during an investigation or hearing related to misconduct. A peace officer's representative must be allowed to inspect any evidence the law enforcement agency has in its possession related to the investigation.

Roll call on Senate Bill No. 242:

YEAS—21.

NAYS—None.

Senate Bill No. 242 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 250.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 250 provides that before a supplier of water may require the dedication of a right to appropriate water in order to ensure a sufficient supply to certain parcels, the dedication requirement must be the subject of an ordinance, published rule or regulation adopted by the supplier of water and must be based on reliable data and demand estimating procedures. The bill also provides that except in the case of mergers or acquisitions of a utility water system, or transactions by the water supplier in furtherance of developing or maintaining a sustainable water supply, the supplier of water is prohibited from selling a right to appropriate water that has been previously dedicated.

Roll call on Senate Bill No. 250:

YEAS—21.

NAYS—None.

Senate Bill No. 250 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 252.

Bill read third time.

Remarks by Senators Hardy and Seevers Gansert.**SENATOR HARDY:**

Senate Bill No. 252 allows the Director of the Department of Corrections to assign an offender who has not been sentenced to death or life without the possibility of parole to residential confinement or other appropriate supervision not to exceed the length of the offender's sentence. These provisions apply only if the offender is 65 years of age or older, was not convicted of any several serious offenses and has served at least a majority of his or her maximum or maximum-aggregated sentence.

SENATOR SEEVERS GANSERT:

While I support many of the bills brought to this Body by my colleague from Senate District 12, I will not be able to support Senate Bill No. 252. The normal process for someone who is moved to parole or probation is for the Department of Corrections to refer the offender to the Nevada Board of Parole Commissioners. The Board would then hold a hearing, during which a victim would be able to provide comments and directly speak to the Board. The Board would then be able to make a decision as to whether the offender would go to parole or probation. This bill allows the Director of Department of Corrections to directly refer an offender to parole or probation. The victim statement can be provided to the Board, but this is an expressway for a person to go to parole or probation without going to the Parole Board first. We should support the process by which the offender first goes to the Parole Board, who receives information and, then, makes a decision.

Roll call on Senate Bill No. 252:

YEAS—19.

NAYS—Kieckhefer, Seevers Gansert—2.

Senate Bill No. 252 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 323.

Bill read third time.

Remarks by Senators Denis and Pickard.

SENATOR DENIS:

Senate Bill No. 323 prohibits a regulatory body from recovering attorney's fees and other expenses as a result of an administrative or disciplinary proceeding until the regulatory body provides the person subject to the proceeding with an itemized breakdown of the costs he or she is being required to reimburse.

SENATOR PICKARD:

Does the person have the opportunity to appeal or object to the attorney's fees once they receive the itemized list?

SENATOR DENIS:

I do not believe so. This is to make them aware of the fees. Currently, the fees are stated and no statement is required. This bill will require an itemized list so a person knows what he or she is being asked to reimburse.

Roll call on Senate Bill No. 323:

YEAS—21.

NAYS—None.

Senate Bill No. 323 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 365.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 365 provides that it is an unfair method of competition in the business of insurance to knowingly access or utilize a provider of healthcare's contractual discount without a contractual relationship with the provider of healthcare, health carrier or contracted third party. A violation of these provisions are subject to payment of an administrative fine for each violation

and, or suspension or revocation of a license. The bill establishes a contractually protected system for health carriers to enter into contracts with third parties to give them access to certain provider-network contracts and information about a provider of healthcare services and discounts.

The bill requires a health carrier to make certain disclosures of its provider-network contracts and maintain an Internet website when granting third parties access to a network contract.

Additionally, the bill authorizes a third party to enter into contracts with other third parties under their similar contract terms and conditions, and it requires a third party to establish a website identifying the entities it has granted access to provider-network contracts. Finally, the bill requires that health carriers and third parties comply with the requirements for websites when submitting remittance advice and explanation of payments to providers of healthcare.

Roll call on Senate Bill No. 365:

YEAS—21.

NAYS—None.

Senate Bill No. 365 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 370.

Bill read third time.

The following amendment was proposed by Senator Ohrenschall:

Amendment No. 576.

SUMMARY—Revises the State Plan for Medicaid and the Children's Health Insurance Program. (BDR 38-966)

AN ACT relating to health care; requiring the State Plan for Medicaid to provide certain benefits for screening and treatment of fetal alcohol spectrum disorders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid and the Children's Health Insurance Program a requirement that the State pay the nonfederal share of expenditures incurred for screening and treatment of fetal alcohol spectrum disorders for certain persons.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for screening for and diagnosis of fetal alcohol spectrum disorders and for treatment of fetal alcohol spectrum disorders to persons under the age of 19 years or, if enrolled in high school, until the person reaches the age of ~~22~~ 21 years.*

2. *A managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division, which provides coverage for outpatient care shall not require a longer waiting period for coverage for*

outpatient care related to fetal alcohol spectrum disorders than is required for other outpatient care covered by the plan.

3. A managed care organization shall cover medically necessary treatment of a fetal alcohol spectrum disorder.

4. Treatment of a fetal alcohol spectrum disorder must be identified in a treatment plan and must include medically necessary habilitative or rehabilitative care, prescription care, psychiatric care, psychological care, behavioral therapy or therapeutic care that is:

(a) Prescribed for a person diagnosed with a fetal alcohol spectrum disorder by a licensed physician or licensed psychologist; and

(b) Provided for a person diagnosed with a fetal alcohol spectrum disorder by a licensed physician, licensed psychologist, licensed behavior analyst or other provider that is supervised by the licensed physician, psychologist or behavior analyst.

↳ A managed care organization may request a copy of and review a treatment plan created pursuant to this subsection.

5. Nothing in this section shall be construed as requiring a managed care organization to provide reimbursement to a school for services delivered through school services.

6. As used in this section:

(a) "Applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior.

(b) "Behavioral therapy" means any interactive therapy derived from evidence-based research, including, without limitation, discrete trial training, early intensive behavioral intervention, intensive intervention programs, pivotal response training and verbal behavior provided by a licensed psychologist, licensed behavior analyst, licensed assistant behavior analyst, registered behavior technician or state certified behavior interventionist.

(c) "Evidence-based research" means research that applies rigorous, systematic and objective procedures to obtain valid knowledge relevant to fetal alcohol spectrum disorders.

(d) "Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.

(e) "Habilitative or rehabilitative care" means counseling, guidance and professional services and treatment programs, including, without limitation, applied behavior analysis, that are necessary to develop, maintain and restore, to the maximum extent practicable, the functioning of a person.

(f) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(g) "Licensed assistant behavior analyst" means a person who holds current certification as a Board Certified Assistant Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to

that organization, who is licensed as an assistant behavior analyst by the Aging and Disability Services Division of the Department of Health and Human Services and who provides behavioral therapy under the supervision of a licensed behavior analyst or psychologist.

(h) "Licensed behavior analyst" means a person who holds current certification as a Board Certified Behavior Analyst issued by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and is licensed as a behavior analyst by the Aging and Disability Services Division of the Department.

(i) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

(j) "Medically necessary" means health care services or products that a prudent physician or psychologist would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and which are:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate for the type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient, physician, psychologist or other provider of health care;

(4) Required to improve a specific health condition of the patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(k) "Prescription care" means medications prescribed by a licensed physician and any health-related services deemed medically necessary to determine the need or effectiveness of the medications.

(l) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices.

(m) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices.

(n) "Registered behavior technician" has the meaning ascribed to it in NRS 437.050.

(o) "Screening for and diagnosis of fetal alcohol spectrum disorders" means medically appropriate assessments, evaluations or tests to screen and diagnose whether a person has a fetal alcohol spectrum disorder.

(p) "State certified behavior interventionist" has the meaning ascribed to it in NRS 437.055.

(q) "Therapeutic care" means services provided by licensed or certified speech-language pathologists, occupational therapists and physical therapists.

(r) "Treatment plan" means a plan to treat a fetal alcohol spectrum disorder that is prescribed by a licensed physician or licensed psychologist

and may be developed pursuant to a comprehensive evaluation in coordination with a licensed behavior analyst.

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 376 to Senate Bill No. 370 relates to children and young adults covered by Medicaid and treatment for those who were exposed to fetal alcohol syndrome. The amendment lowers the maximum age to 21, which brings it in harmony with the rest of the statutes in terms of what Medicaid covers for applied behavioral analysis therapy.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 400.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 400 changes the amount of a required surety bond before the State Department of Agriculture may issue a license to an operator of a public livestock auction from at least \$200,000 but less than \$1 million to \$200,000 or the amount of bond coverage calculated for a market agency pursuant to federal regulations, whichever is greater. The bill also requires the licensee to submit to the Director of the Department an annual audit of the licensee's custodial account for consignor's proceeds, which must be performed by a certified public accountant.

Roll call on Senate Bill No. 400:

YEAS—21.

NAYS—None.

Senate Bill No. 400 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 417.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 417 authorizes the State Department of Agriculture to issue a limited license to conduct an annual sale of livestock and establishes the conditions and requirements for such a sale to take place.

Roll call on Senate Bill No. 417:

YEAS—21.

NAYS—None.

Senate Bill No. 417 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 26.

Bill read third time.

Remarks by Senators Brooks, Hansen and Settlemeyer.

SENATOR BROOKS:

Assembly Bill No. 26 increases the maximum permissible amounts that may be paid out of the State Contractors' Board Recovery Fund on certain claims against residential contractors. The maximum amount of money that an injured person may recover for actual damages is increased from \$35,000 to \$40,000. The maximum amount that may be recovered based upon claims made against any single contractor is increased from \$400,000 to \$750,000 or 20 percent of the balance of the Recovery Fund, whichever is less.

SENATOR HANSEN:

I rise in support of this bill. There are about 8,000 licensed contractors in Nevada, and I am one of them. I have been a licensed contractor for 26 years. This is something we voluntarily pay into, and by doing so, we help police our own ranks. This helps reduce the cost of housing. Since there is a great deal of concern in Nevada over the escalating cost of housing, this is an example of how we keep those costs down. We will soon have a bill about construction defects, and that was a disaster for housing prices and contractors in Nevada. I would like to remind the Body when these bills come forward in the future, the construction industry has aggressively policed itself, and this fund exists with minimal amounts of legal involvement. It has worked exceptionally well for decades.

SENATOR SETTELMEYER:

My colleague is saying, now that he has admitted he is a contractor, that this bill will not affect him any differently than anyone else, and he will be voting "yes" on this bill.

Roll call on Assembly Bill No. 26:

YEAS—21.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 154.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 154 adds video recordings to the list of items a secondhand dealer does not need to report in a daily-recorded transaction transcript to the sheriff of the county or the chief of police of the incorporated city in which the dealer does business.

Roll call on Assembly Bill No. 154:

YEAS—21.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 148, 276, 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Education, to which were referred Senate Bills Nos. 41, 185, 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 166, 251, 295, 327, 388, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 37.

Bill read second time.

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

Amendment No. 520.

SUMMARY—Revises provisions relating to the regulation of marriage and family therapists and clinical professional counselors. (BDR 54-250)

AN ACT relating to professions; revising the scope of the practice of clinical professional counseling and the practice of marriage and family therapy; ~~revising the composition of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors;~~ revising the expiration date of certain licenses issued by the Board; revising provisions relating to the issuance of a license by endorsement; revising provisions governing the fees the Board is authorized to charge; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors to regulate the practice of marriage and family therapy and clinical professional counseling. (Chapter 641A of NRS) Existing law defines the scope of practice for both marriage and family therapy and clinical professional counseling. (NRS 641A.065, 641A.080) Sections 1 and 2 of this bill remove certain exclusions from the scope of the practice of marriage and family therapy and the practice of clinical professional counseling, thereby allowing the inclusion of those activities within the scope of practice in circumstances that the Board determines are appropriate.

~~Existing law prescribes the membership of the Board and the qualifications necessary to be appointed as a member of the Board. (NRS 641A.100) Section 3 of this bill: (1) decreases the number of licensed marriage and family therapists on the Board from four to three; and (2) increases the number of representatives of the general public on the Board from two to three. Existing law also requires the payment of the compensation and expenses of Board members and employees of the Board out of money derived from fees and penalties paid to the Board. (NRS 641A.200)~~ Section 4 of this bill clarifies

that the payment of compensation and expenses of employees of the Board must be paid out of money possessed by the Board.

Section 6 of this bill changes the expiration of a license to practice as a marriage and family therapist or a clinical professional counselor from annually on January 1 to biennially on January 1 of every even-numbered year. (NRS 641A.235) Sections 12 and 13 of this bill eliminate the automatic expiration of a license as a marriage and family therapist intern or a clinical professional counselor intern in existing law if the intern changes his or her approved supervisor. (NRS 641A.2872, 641A.2882) Sections 12 and 13 also clarify the requirements for the renewal of a license as a marriage and family therapist intern or a clinical professional counselor intern.

Existing law authorizes a marriage and family therapist or a clinical professional counselor to obtain an expedited license by endorsement to practice marriage and family therapy or clinical professional counseling, as applicable, in this State if the marriage and family therapist or clinical professional counselor holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States and meets certain other requirements. (NRS 641A.241) Section 7 of this bill extends the deadline by which the Board is required to make a decision on an application for a license by endorsement from 45 days after receipt of the application to 45 days after receipt of all the information from the applicant required by the Board to complete the application.

Under existing law, a person applying for reinstatement of a license that has lapsed continuously for 5 years is required to reapply under the laws and regulations in effect at the time of reapplication. (NRS 641A.280) Existing law also establishes a procedure by which a licensee in good standing with the Board may place his or her license on inactive status. (NRS 641A.285) Sections 10 and 11 of this bill clarify that the provisions relating to lapsed licenses and inactive licenses only apply to licenses to practice as a marriage and family therapist or clinical professional counselor and not to licenses to practice as a marriage and family therapist intern or clinical professional counselor intern. Section 11 also authorizes the Board to impose a fee for the renewal of an inactive license to practice as a marriage and family therapist or clinical professional counselor.

Existing law establishes the maximum fees the Board is authorized to charge for certain items. (NRS 641A.290) Section 14 of this bill increases the maximum fee allowable for certain items and authorizes the Board to charge various new fees for certain items, including, without limitation: (1) the biennial renewal or reinstatement of a license on inactive status; (2) the renewal of an intern's license; and (3) items relating to the approval of a course or program of continuing education and the approval of a provider of such a course or program. Section 8 of this bill provides for a 10-day grace period for the payment of a renewal fee by a marriage and family therapist or clinical professional counselor upon the expiration of his or her license. Sections 12 and 13 provide a similar grace period for the payment of a renewal fee by a

marriage and family therapist intern or a clinical professional counselor intern. Sections 5 and 9 of this bill make conforming changes.

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

Section 1. NRS 641A.065 is hereby amended to read as follows:

641A.065 1. "Practice of clinical professional counseling" means the provision of treatment, assessment and counseling, or equivalent activities, to a person or group of persons to achieve mental, emotional, physical and social development and adjustment.

2. The term includes ~~the~~

~~—(a) Counseling} counseling interventions to prevent, diagnose and treat mental, emotional or behavioral disorders and associated distresses which interfere with mental health. ~~}; and~~~~

~~—(b) The ~~, including, without limitation, the assessment or treatment of couples or and families~~, if the assessment or treatment is provided by a person who, through the completion of course work or supervised training or experience, has demonstrated competency in the assessment or treatment of couples or families as determined by the Board.}~~

3. The term does not include ~~the~~

~~—(a) The practice of psychology or medicine;~~

~~—(b) The prescription of drugs or electroconvulsive therapy;~~

~~—(c) The treatment of physical disease, injury or deformity;~~

~~—(d) The diagnosis or treatment of a psychotic disorder;~~

~~—(e) The use of projective techniques in the assessment of personality;~~

~~—(f) The} the use of ~~for a psychological, neuropsychological or clinical tests designed to identify or classify abnormal or pathological human behavior;~~~~

~~—(g) The use of individually administered} psychometric ~~assessment test to determine intelligence~~ tests, academic achievement tests or neuropsychological tests; or~~

~~—(h) The use of psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician, ~~personality, aptitude, interests or licensed clinical psychologist. ~~addictions.~~ tests, assessments or measures, including, without limitation, psychological, neuropsychological, developmental, neurodevelopmental, cognitive, neurocognitive, intelligence, achievement, personality or projective tests.~~~~

Sec. 2. NRS 641A.080 is hereby amended to read as follows:

641A.080 1. "Practice of marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders, whether cognitive, affective or behavioral, within the context of interpersonal relationships, including, without limitation, marital and family systems, and involves the professional application or use of psychotherapy, counseling, evaluation, assessment instruments, consultation, treatment planning, supervision, research and prevention of mental and emotional disorders.

2. The term includes, without limitation, the rendering of professional marital and family therapy services to a person, couple, family or family group or other group of persons.

~~{2.}~~ 3. The term does not include ~~{:~~

~~(a) The diagnosis or treatment of a psychotic disorder; or~~
~~(b) The use of ~~{a psychological or}~~ psychometric ~~{assessment test to determine intelligence, personality, aptitude, interests or addictions.}~~ tests, assessments or measures, including, without limitation, psychological, neuropsychological, developmental, neurodevelopmental, cognitive, neurocognitive, intelligence, achievement, personality or projective tests.~~

Sec. 3. ~~{NRS 641A.100 is hereby amended to read as follows:~~

~~641A.100 1. The Governor shall appoint to the Board:~~

~~(a) ~~{Four}~~ Three members who are licensed marriage and family therapists and are in good standing with or acceptable for membership in their local or state societies and associations when they exist;~~

~~(b) Three members who are licensed clinical professional counselors and are in good standing with or acceptable for membership in their local or state societies and associations when they exist; and~~

~~(c) ~~{Two}~~ Three members who are representatives of the general public. These members must not be:~~

~~(1) A marriage and family therapist;~~

~~(2) A clinical professional counselor; or~~

~~(3) The spouse or the parent or child, by blood, marriage or adoption, of a marriage and family therapist or clinical professional counselor.~~

~~2. The Governor may, after notice and hearing, remove any member of the Board for misconduct in office, incompetence, neglect of duty or other sufficient cause.} (Deleted by amendment.)~~

Sec. 4. NRS 641A.205 is hereby amended to read as follows:

641A.205 All money coming into possession of the Board must be kept or deposited by the Secretary-Treasurer in banks, credit unions, savings and loan associations or savings banks in the State of Nevada to be expended for payment of compensation and expenses of *the members and employees of the Board* ~~{members}~~ and for other necessary or proper purposes in the administration of this chapter.

Sec. 5. NRS 641A.210 is hereby amended to read as follows:

641A.210 1. Each person desiring a license must apply to the Board upon a form, and in a manner, prescribed by the Board. The application must be accompanied by the ~~{application}~~ fee *for the application for and initial issuance of the license* prescribed by the Board and all information required to complete the application.

2. The Board shall prescribe forms for applying for the issuance or renewal of a license. The forms must:

(a) Be available to be completed on the Internet website maintained by the Board;

(b) Provide immediate, automatic feedback to the applicant concerning whether the applicant has submitted all required information; and

(c) Automatically store the data submitted by the applicant upon completion of the application.

Sec. 6. NRS 641A.235 is hereby amended to read as follows:

641A.235 1. The Board shall issue a license *to practice as a marriage and family therapist or clinical professional counselor* to an applicant who meets the requirements imposed pursuant to this chapter.

2. ~~Except as otherwise provided in NRS 641A.2872 and 641A.2882, a~~ A license *to practice as a marriage and family therapist or clinical professional counselor* expires on January 1 of each *even-numbered* year.

3. The Board may prorate the fee for a license *to practice as a marriage and family therapist or clinical professional counselor* which expires less than ~~6 months~~ 1 year after the date of issuance.

Sec. 7. NRS 641A.241 is hereby amended to read as follows:

641A.241 1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license as a marriage and family therapist or clinical professional counselor, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by

endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving *all the additional information required by the Board to complete* the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 8. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license *to practice as a marriage and family therapist or clinical professional counselor* issued pursuant to this chapter, each person must, on or before *10 business days after* the date of expiration of ~~the~~ *his or her* current license:

- (a) Apply to the Board for renewal;
- (b) Pay the fee for renewal set by the Board;
- (c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board ~~[-]~~, *unless the Board has granted a waiver pursuant to NRS 641A.265*; and
- (d) Submit all information required to complete the renewal.

2. ~~The~~ *Except as otherwise provided in NRS 641A.265, the* Board shall, as a prerequisite for the renewal of a license ~~[-]~~ *to practice as a marriage and family therapist or clinical professional counselor*, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation, a requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

Sec. 9. NRS 641A.270 is hereby amended to read as follows:

641A.270 Failure to pay the fee for renewal automatically effects a revocation of ~~the~~ a license ~~on~~ *to practice as a marriage and family therapist or clinical professional counselor 10 business days after* the date of expiration of the license. The license may not be reinstated except upon:

1. Written application;
2. Submission of evidence of the completion of the required continuing education for the period the license *to practice as a marriage and family therapist or clinical professional counselor* was revoked ~~[-]~~, *unless the Board has granted a waiver pursuant to NRS 641A.265*; and
3. The payment of the fee for renewal and the fee for reinstatement required by this chapter.

Sec. 10. NRS 641A.280 is hereby amended to read as follows:

641A.280 After a license *to practice as a marriage and family therapist or clinical professional counselor* has lapsed continuously for 5 years, a person applying for reinstatement of *such* a license must reapply under the laws and regulations in effect at the time of application.

Sec. 11. NRS 641A.285 is hereby amended to read as follows:

641A.285 1. Upon written request to the Board and payment of the fee prescribed by the Board, a ~~{licensee}~~ *marriage and family therapist or clinical professional counselor* in good standing may have his or her name and license transferred to an inactive list for a period not to exceed 3 continuous years. A ~~{licensee}~~ *marriage and family therapist or clinical professional counselor* shall not practice marriage and family therapy or clinical professional counseling, *as applicable*, during the time the license is inactive. If an inactive ~~{licensee}~~ *marriage and family therapist or clinical professional counselor* desires to resume the practice of marriage and family therapy or clinical professional counseling, *as applicable*, the Board must reactivate the license upon the:

- (a) Completion of an application for reactivation;
 - (b) Payment of the fee for renewal of the license; and
 - (c) Demonstration, if deemed necessary by the Board, that the ~~{licensee}~~ *marriage and family therapist or clinical professional counselor* is then qualified and competent to practice.
- ↪ Except as otherwise provided in subsection 2, the ~~{licensee}~~ *marriage and family therapist or clinical professional counselor* is not required to pay the delinquency fee or the renewal fee for any year while the license was inactive.

2. Any license *to practice as a marriage and family therapist or clinical professional counselor* that remains inactive for a period which exceeds 3 continuous years is deemed:

- (a) To effect a revocation for the purposes of NRS 641A.270.
- (b) To have lapsed at the beginning of that period for the purposes of NRS 641A.280.

3. The Board may adopt such regulations as it deems necessary to carry out the provisions of this section, including without limitation, regulations governing the renewal of *such* inactive licenses, *the imposition of a fee for the renewal of an inactive license* and any requirement of continuing education for inactive ~~{licensees}~~ *marriage and family therapists or clinical professional counselors*.

Sec. 12. NRS 641A.2872 is hereby amended to read as follows:

641A.2872 1. *The Board shall issue a license as a marriage and family therapist intern to an applicant who meets the requirements imposed pursuant to this chapter.*

2. A license as a marriage and family therapist intern:

~~{1. Is}~~

(a) *Except as otherwise provided in paragraph (b), is valid for 3 years and may be renewed not more than once.* ~~{; and~~

~~{2.}~~ (b) Expires upon:

~~{(a)}~~ (1) The termination of the supervision agreement with an approved supervisor; or

~~{(b)}~~ A change in the approved supervisor; or

~~—(e)}~~ (2) The issuance of a license as a marriage and family therapist to the holder of the license as a marriage and family therapist intern.

3. *To renew a license as a marriage and family therapist intern, the holder of the license must, on or before 10 business days after the date of expiration of the current license:*

- (a) *Apply to the Board for renewal;*
- (b) *Pay the fee for renewal set by the Board; and*
- (c) *Submit all information required to complete the renewal.*

Sec. 13. NRS 641A.2882 is hereby amended to read as follows:

641A.2882 1. *The Board shall issue a license as a clinical professional counselor intern to an applicant who meets the requirements imposed pursuant to this chapter.*

2. A license as a clinical professional counselor intern:

~~{1. Is}~~

(a) *Except as otherwise provided in paragraph (b), is valid for 3 years and may be renewed not more than once . ~~{; and}~~*

~~—2.}~~ (b) Expires upon:

~~{(a)}~~ (1) The termination of the supervision agreement with an approved supervisor; or

~~{(b)}~~ A change in the approved supervisor; or

~~—(e)}~~ (2) The issuance of a license as a clinical professional counselor to the holder of the license as a clinical professional counselor intern.

3. *To renew a license as a clinical professional counselor intern, the holder of the license must, on or before 10 business days after the date of expiration of the current license:*

- (a) *Apply to the Board for renewal;*
- (b) *Pay the fee for renewal set by the Board; and*
- (c) *Submit all information required to complete the renewal.*

Sec. 14. NRS 641A.290 is hereby amended to read as follows:

641A.290 1. ~~{The}~~ *Except as otherwise provided in subsection 2, the Board shall ~~{charge and collect not more than the following}~~ establish a schedule of fees ~~{, respectively:}~~ for the following items and within the following ranges:*

	<i>Not less than</i>	<i>Not more than</i>
{For application} Application for and initial issuance of a license.....	\$125	{\$75} \$250
{For examination} Examination of an applicant for a license to practice as a marriage and family therapist or clinical professional counselor.....	200	400

For issuance of a license	50	
For annual Biennial renewal of a license to practice as a marriage and family therapist or clinical professional counselor.....	300	{150} 600
For reinstatement of a license revoked for nonpayment of the fee Fee for renewal late payment of the biennial renewal	100	400
For an Placement of a license to practice as a marriage and family therapist or clinical professional counselor on inactive license status	100	{150} 400
Renewal of an intern's license.....	100	200
Issuance of a duplicate license.....	10	100
Reevaluation of an applicant's coursework	50	125
Application for approval as a supervisor	75	300
Approval of a course or Program of continuing education	10	100
Approval of a provider of continuing education	100	500

2. If an applicant submits an application for a license by endorsement pursuant to NRS 641A.242, the Board shall collect not more than one-half of the fee ~~{set forth in}~~ established pursuant to subsection 1 for the application for and initial issuance of the license.

Sec. 15. 1. This section and sections 1, 2, 4, 5 and 7 to 14, inclusive, of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out those provisions, and on July 1, 2019, for all other purposes.

2. ~~{Section 3 of this act becomes effective upon the earlier of the first resignation of or first expiration of the term of a member of the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors who was appointed pursuant to paragraph (a) of subsection 1 of NRS 641A.100, as that section existed on June 30, 2019.~~

~~3.~~ Section 6 of this act becomes effective on January 1, 2020.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 520 to Senate Bill No. 37 revises provisions regarding licensing and the scope of practice for marriage and family therapists and clinical professional counselors. The bill revises the fees collected by the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors and establishes a minimum and maximum fee schedule. Additionally, the bill establishes new fees for licensing or approving interns, supervisors and continuing education. Finally, the bill clarifies that funds collected by the Board may be used to compensate its employees.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 272.

SUMMARY—Revises provisions relating to providing a safe and respectful learning environment. (BDR 34-502)

AN ACT relating to the welfare of pupils; renaming the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment within the Department of Education as the SafeVoice ~~(Nevada)~~ Program; requiring the establishment of the Handle with Care Program; requiring ~~(law enforcement)~~ officers and employees of law enforcement agencies to report to the Handle with Care Program certain information about a child who may attend a public school and has been exposed to ~~(a traumatic event);~~ certain events; requiring information submitted to the Handle with Care Program to be provided to certain school personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the establishment of the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. That Program allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or threatened to be conducted, on property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Any anonymous tip made through the Safe-to-Tell Program is then forwarded to certain trained personnel at the public school to take appropriate action. (NRS 388.14553) Sections 5 and 7 of this bill change the name of the Safe-to-Tell Program to instead be the SafeVoice ~~(Nevada)~~ Program. Sections 3-13 of this bill make conforming changes.

Section 3 of this bill similarly requires the establishment of the Handle with Care Program within the Office for a Safe and Respectful Learning Environment to receive reports from law enforcement officers or agencies when a child is exposed to a traumatic event as required by section 14 of this bill. Section 3 requires the Handle with Care Program to use the support center of the Safe-to-Tell Program or a similar program as identified by a school district for such reports. Section 3 limits the information to be included in the

report to only certain identifying information regarding the child ~~+~~, except that, an officer or employee of a law enforcement agency may include additional information about the event if the officer or employee believes that disclosing such information is in the best interest of the child or is necessary for reasons related to school safety. Upon receipt of a report, section 3 requires the support center to determine whether the child attends a public school and if so, to notify certain trained personnel of the public school of the report. Section 7 of this bill requires those trained personnel to take appropriate action in accordance with their training when they receive a report that a pupil has been exposed to a traumatic event. (NRS 388.14553)

Existing law requires the Director of the Office for a Safe and Respectful Learning Environment to provide training related to the Safe-to-Tell Program to certain public school personnel. (NRS 388.1455) Section 3 additionally requires the Director to provide training regarding the Handle with Care Program to certain persons who will be involved with the Program.

Existing law provides immunity from liability to certain trained personnel of the public school appointed to respond to reports submitted to the Safe-to-Tell Program for acts or omissions of those personnel in carrying out their duties relating to the Program. (NRS 388.14555) Section 9 of this bill expands that immunity to when such personnel carry out their duties relating to the Handle with Care Program.

Under section 14, a traumatic event must be reported if it involves: (1) domestic violence in the presence of the child; (2) the death of a member of the family or household of the child; (3) the arrest of a parent or guardian of the child in the presence of the child; and (4) child abuse or neglect. Section 14 also authorizes an officer or employee of a law enforcement agency to submit a report to the Program if the officer or employee reasonably believes a child has been exposed to any other event that may affect his or her ability to succeed at school. Section 14 provides that a report is not required if disclosure of information that would be contained in the report may compromise an ongoing investigation.

Sections 4 and 10 of this bill make conforming changes.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Handle with Care Program" means the Program established pursuant to section 3 of this act.*

Sec. 3. 1. *The Director shall establish the Handle with Care Program within the Office for a Safe and Respectful Learning Environment. The Handle with Care Program must enable a law enforcement officer or agency to report to the Program when a child who may attend a public school is exposed to a traumatic event ~~+~~ or other event that may affect his or her ability to succeed at school as described in section 14 of this act. ~~Such an event may include, without limitation,~~*

- ~~(a) Domestic violence;~~
- ~~(b) Substance abuse by a member of the family or household of the child;~~
- ~~(c) Death of a member of the family or household of the child;~~
- ~~(d) Emotional abuse or neglect;~~
- ~~(e) Physical abuse or neglect;~~
- ~~(f) Removal of the child from his or her home;~~
- ~~(g) Incarceration of a member of the family or household of the child;~~
- ~~(h) Sexual abuse; or~~
- ~~(i) Exposure to violence.~~

2. The Handle with Care Program must use the support center established for the SafeVoice ~~(Nevada)~~ Program and teams appointed pursuant to NRS 388.14553 ~~+~~ or a similar program designated by a school district. The support center shall establish a separate hotline and any other appropriate method to allow a law enforcement officer or agency to submit a report pursuant to subsection 1.

3. A report submitted by a law enforcement officer or employee of a law enforcement agency must include only identifying information about the child. Such information must include, to the extent that it is available, the name of the child, the grade and school where the child is enrolled and the date of birth of the child.

4. The report ~~must not~~ may include basic information about the traumatic event ~~+~~
~~4.~~ if the law enforcement officer or employee reasonably believes that disclosing such information is in the best interest of the child or necessary for reasons related to school safety.

5. Upon receipt of a report, the support center shall determine whether the child attends a public school in this State. If so, the team appointed pursuant to NRS 388.14553 must be notified that the child has been exposed to a traumatic event.

~~5.~~ 6. The Director shall provide training regarding:

(a) The Handle with Care Program to law enforcement agencies and employees of law enforcement agencies that may respond to a traumatic event involving a child, the board of trustees of a school district, the governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program;

(b) The procedure for making a report to the support center and the information to provide when making a report;

(c) Properly responding to a report received from the support center, including without limitation, the manner in which to respond to a report through the Handle with Care Program to each member of a team appointed pursuant to NRS 388.14553; and

(d) Collaboration with teachers and other members of the staff of a school, pupils, family members of pupils and other persons, as appropriate, to reduce the negative impact of the traumatic event on the affected pupil and appropriate interventions that may be available to assist the pupil.

~~6.~~ 7. *The State Board shall adopt regulations necessary to carry out the provisions of this section.*

Sec. 4. NRS 388.1451 is hereby amended to read as follows:

388.1451 As used in NRS 388.1451 to 388.1459, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 388.1452 to 388.14535, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 388.1453 is hereby amended to read as follows:

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

Sec. 6. NRS 388.1454 is hereby amended to read as follows:

388.1454 The Legislature hereby finds and declares that ~~{}~~ *a SafeVoice ~~(Nevada)~~ Program is necessary because:*

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 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. 7. NRS 388.1455 is hereby amended to read as follows:

388.1455 1. The Director shall establish the ~~{Safe to Tell}~~ *SafeVoice ~~(Nevada)~~ 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 *SafeVoice ~~(Nevada)~~ 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.

3. On behalf of the *SafeVoice* ~~Nebraska~~ 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 *SafeVoice* ~~Nebraska~~ Program on an Internet website maintained by the Director;

(b) Provide to each public school educational materials regarding the *SafeVoice* ~~Nebraska~~ 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 *SafeVoice* ~~Program~~ *Program*.

6. 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. 8. NRS 388.14553 is hereby amended to read as follows:

388.14553 1. The board of trustees of a school district or the governing body of a charter school shall:

(a) Appoint a team of at least three members of the staff of each public school, other than a charter school, that is located in the school district or of the charter school, as applicable, including, without limitation, a school counselor, psychologist, social worker or a similar person, if the school employs such a person on a full-time basis, and a school administrator. The team must receive notification if the support center receives a report :

(1) *Through the SafeVoice* ~~Program~~ *Program*, of any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of the school, at an activity sponsored by the school, on a school bus of the school or by a pupil enrolled at the school ~~;~~ ; or

(2) *Through the Handle with Care Program*, of a pupil who was exposed to a traumatic event.

(b) Ensure that information concerning the *SafeVoice* ~~Program~~ *Program*, including, without limitation, the telephone number for the hotline established pursuant to NRS 388.1455:

(1) Appears on the back of any identification card issued to pupils and staff at the school; and

(2) Is posted in conspicuous locations around the school, which may include, without limitation, the front office, the cafeteria or a school bus.

2. Upon receiving notification from the support center ~~of dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on the property of a public school, 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,~~ *through the SafeVoice* ~~Program~~ *Program* or the *Handle with Care Program*, a member of the appropriate team appointed pursuant to paragraph (a) of subsection 1 shall take appropriate action in accordance with the training he or she has received pursuant to NRS 388.1455 or section 3 of this act to respond to the activity , ~~or~~ threat ~~;~~ or traumatic event, as applicable.

3. The team appointed pursuant to paragraph (a) of subsection 1 may:

(a) Include a person appointed by the public school pursuant to NRS 388.247 to a committee to review the plan developed for the school pursuant to NRS 388.243.

(b) Allow another person to temporarily serve on the team if a member of the team is unavailable.

Sec. 9. NRS 388.14555 is hereby amended to read as follows:

388.14555 The team appointed pursuant to NRS 388.14553 and each member of the team are immune from civil liability for any damages resulting from an act or omission of the team or the member or another member of the team in performing the duties set forth in NRS 388.1455 and 388.14553 ~~[-] and section 3 of this act.~~

Sec. 10. NRS 388.14557 is hereby amended to read as follows:

388.14557 The support center must:

1. Be capable of receiving reports made ~~[using the hotline, Internet website, mobile telephone application and text messaging application established pursuant to NRS 388.1455;] through the SafeVoice [Nevada] Program and Handle with Care Program;~~

2. Be available to receive reports and staffed with trained personnel 24 hours a day, 7 days a week, including holidays and other days when school is not in session;

3. Establish a process for handling a report if personnel at the support center are unable to determine the location of the school or the person about whom the report is made, or if the report concerns a private school or an entity other than a school;

4. Train personnel at the support center who are involved in responding to reports to follow up on each report by gathering information necessary to determine the validity of the report and the severity of any threat;

5. Use a software system that is resistant to hacking and copying of information to protect the anonymity of persons who submit reports;

6. Develop and implement a standardized procedure for tracking the outcome of reports;

7. Compile statistics to determine:

(a) The most frequent days of the week on which reports are made;

(b) The most frequent times of the day for making reports;

(c) The types of dangerous, violent or unlawful activity that are reported and the frequency of reports of each type of dangerous, violent or unlawful activity;

(d) The frequency with which reports are submitted using the hotline, Internet website, mobile telephone application and text messaging application, respectively; and

(e) The outcome of reports;

8. Submit to the Director a quarterly report that contains the information compiled pursuant to subsection 7 and any other information necessary for the Director to evaluate the ~~[Program] Programs~~ or that is requested by the Director; and

9. Provide each report received to the appropriate law enforcement agency.

Sec. 11. NRS 388.1457 is hereby amended to read as follows:

388.1457 1. The ~~{Safe-to-Tell} SafeVoice {Nevada}~~ 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 {Nevada}~~ 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. 12. 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 {Nevada}~~ 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 ~~SafeVoice {Nevada}~~ 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, 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 ~~{Nevada}~~ 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 ~~{Nevada}~~ Program.

Sec. 13. 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 ~~{Nevada}~~ 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. 14. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any officer or employee of a law enforcement agency who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child who may attend a public school has been exposed to a traumatic event ~~{as described in section 3 of this act}~~ shall submit a report to the Handle with Care Program established pursuant to section 3 of this act ~~+~~ any time the traumatic event involves:

(a) Domestic violence in the presence of the child;

(b) Death of a member of the family or household of the child;

(c) Arrest of a parent or guardian of the child in the presence of the child;

or

(d) Child abuse or neglect;

2. In addition to submitting a report required by subsection 1, any officer or employee of a law enforcement agency may submit a report to the Handle with Care Program established pursuant to section 3 of this act if the officer or employee of a law enforcement agency reasonably believes a child who attends a public school has been exposed to any other event that may affect his or her ability to succeed at school.

3. Nothing in this section shall be construed to require an officer or employee of a law enforcement agency to submit a report pursuant to this section if the disclosure of information may compromise an ongoing investigation.

Sec. 14.5. The Legislative Counsel shall in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose

responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 15. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and on January 1, 2020, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senators Denis and Pickard.

SENATOR DENIS:

The amendment defines a traumatic incident so a reporting officer can properly identify it. It allows school districts to use a program of their choice that is similar to the SafeVoice Program Support Center for reports made under the Handle with Care Program and makes the SafeVoice Program name consistent. It defines when a peace officer or employee of a law enforcement agency must report to the Handle with Care Program and when an officer may report to the Program. It allows basic information about the nature of an incident to be provided to the Program in order to provide proper services to a child who has suffered trauma.

SENATOR PICKARD:

I rise in support and thank the Chair. I was concerned that if we did not allow law enforcement or any other first responders to indicate what the problem was, it might victimize the child again when the school has to figure out what was going on. We made amendments to address this and allow them to do that. I would like to thank the Chair for making those changes and urge your support of this amendment.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 243.

SUMMARY—Revises provisions relating to ~~industrial~~ hemp. (BDR 49-584)

AN ACT relating to ~~industrial~~ hemp; replacing the term "industrial hemp" with the term "hemp" and revising the definition thereof; requiring the ~~State Board of Agriculture and the~~ State Department of Agriculture to adopt regulations requiring the testing and labeling of a commodity or product made using ~~industrial~~ hemp and certain similar products which ~~is~~ are intended for human or animal consumption; ~~requiring that the protocols and procedures for such testing be substantially similar to the protocols and procedures for the testing of certain marijuana products;~~ authorizing the retesting of a crop of hemp or a commodity or product made using hemp that has failed certain tests prescribed by the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~requires the Department of Taxation to adopt regulations setting forth the procedures for the testing by an independent testing laboratory of marijuana, edible marijuana products and marijuana infused products sold by a medical marijuana establishment. (NRS 453A.370) Existing law similarly requires the Department to adopt regulations setting forth requirements for the testing of marijuana and marijuana products sold by a marijuana establishment. (NRS 453D.200) This bill requires similar testing be done on commodities or products made using industrial hemp which are intended for human consumption.~~ 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 of this bill revise various sections of state law to use the term "hemp" for this plant and its derivatives.

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 Department to adopt regulations requiring that any products or commodities made using hemp grown for such purposes which are intended for human or animal consumption must be tested and labeled in accordance with regulations adopted by the Department for hemp grown for any other purpose.

~~Existing law requires any other person who wishes to grow or handle industrial hemp or produce agricultural hemp seed to register with the Department. (NRS 557.200)~~ 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 Department. (NRS 557.270) Section ~~11~~ 12 of this bill requires the ~~State Board of Agriculture~~ Department, in consultation with the Department of Health and Human Services, to ~~1~~ (1) adopt regulations requiring the testing of commodities or products made using ~~industrial~~ hemp ~~grown for certain purposes related to research~~ and certain other products containing cannabidiol which are intended for human or animal consumption . ~~1~~ and (2) set forth procedures for such testing that are substantially similar to those adopted by the Department of Taxation with regard to marijuana products. Section ~~2~~ of this bill imposes a similar requirement on the State Department of Agriculture for 12 requires such regulations to require that such commodities or products ~~made using any other~~

~~industrial hemp grown in this State which are intended for human consumption,~~ are not labeled in a manner that is false or misleading.

Existing law authorizes the Department 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 Department 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.

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.

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.

~~Section 1.~~ *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 ~~industrial~~ hemp for the creation, manufacture, sale or use of commodities or products made using ~~industrial~~ hemp which are intended for human or animal consumption, the State Board of Agriculture shall adopt regulations requiring the testing and labeling of any commodity or product made using ~~industrial~~ hemp grown for the purposes set forth in NRS 557.070 which is intended for human or animal consumption ~~and setting~~

~~forth protocols and procedures for such testing. Such procedures and protocols must be substantially similar to those] in accordance with the regulations adopted by the Department [of Taxation with regard to the testing of edible marijuana products, marijuana infused products and marijuana products] pursuant to NRS [453A.370 and 453D.200.] 557.270.~~

3. As used in this section ~~is~~

~~(a) "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.~~

~~(b) "Intended], "intended for human or animal consumption" has the meaning ascribed to it in NRS 557.270.~~

~~[(c) "Marijuana infused products" has the meaning ascribed to it in NRS 453A.112.~~

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

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 ~~is~~

~~(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. ~~is 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.]~~

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.

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. 2.]~~ *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 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 *or animal* 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, in consultation with the Department of Health and Human Services, shall adopt regulations requiring the testing and labeling of ~~any]~~:*

*(a) Any commodity or product made using ~~industrial]~~ hemp which is intended for human *or animal* consumption; and ~~setting]~~*

*(b) Any other commodity or product that purports to contain cannabidiol with a THC concentration of not more 0.3 percent which is intended for human *or animal* consumption.*

4. *The regulations adopted pursuant to subsection 3 must:*

(a) Set forth protocols and procedures for ~~such]~~ the testing ~~f. Such procedures and protocols must be substantially similar to those adopted by the Department of Taxation with regard to the testing of edible marijuana products, marijuana-infused products and marijuana products pursuant to NRS 453A.370 and 453D.200.] of the commodities and products described in subsection 3; and~~

(b) Require that any commodity or product described in subsection 3 is labeled in a manner that is not false or misleading in accordance with the applicable provisions of chapter 585 of NRS.

~~4.]~~ 5. The Department shall adopt regulations establishing protocols and procedures for the testing of commodities and products made using ~~industrial]~~ hemp, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing.

~~4. 5.]~~ 6. 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 to determine whether the crop has a THC concentration of not more than 0.3 percent on a dry weight basis. The regulations may 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. 6.}~~ 7. Except as otherwise provided by federal law, a grower, handler or producer whose crop, commodity or product fails a test prescribed by the Department pursuant to this section may submit that same crop, commodity or product for retesting. The Department shall adopt regulations establishing protocols and procedures for such retesting.

8. As used in this section:

(a) ~~"Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.~~

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

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

~~(d) "Marijuana infused products" has the meaning ascribed to it in NRS 453A.112.~~

~~(e) "Marijuana products" has the meaning ascribed to it in NRS 453D.030.~~

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. 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, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS; 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, which is grown or cultivated pursuant to the provisions of chapter 557 of NRS. 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, 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 to manufacture edible marijuana products and marijuana-infused products. A medical marijuana dispensary may dispense ~~industrial~~ hemp and edible marijuana products and marijuana-infused products manufactured using ~~industrial~~ 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, 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.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 243 makes several changes to Senate Bill No. 209. The amendment deletes significant portions of the original bill and replaces the term "industrial hemp" with "hemp" throughout. It requires the State Department of Agriculture, in consultation with the Department of Health and Human Services, to adopt regulations requiring certain testing and labeling of hemp and hemp products intended for human or animal consumption. It also provides that a grower, handler or producer of hemp whose crop or product has failed a test prescribed by the Department is authorized to submit the crop or product for retesting.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 302.

Bill read second time.

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

Amendment No. 483.

SUMMARY—Revises provisions relating to personal information collected by governmental agencies. (BDR 52-547)

AN ACT relating to privacy; requiring a governmental agency to comply to the extent practicable, with certain standards with respect to the collection, dissemination and maintenance of records containing personal information of a resident of this State; ~~prohibiting~~ authorizing a governmental agency ~~from requiring~~ to require a person to submit a record containing personal

information by electronic means; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a data collector, including a governmental agency, that maintains records which contain personal information of a resident of this State to implement and maintain reasonable security measures to protect such records. (NRS 603A.210) Section 1 of this bill requires a data collector that is a governmental agency to comply to the extent practicable, with certain standards published by the Center for Internet Security, Inc. or the National Institute of Standards and Technology of the United States Department of Commerce with respect to the collection, dissemination and maintenance of records containing personal information. Existing law requires the Legislative Auditor to conduct a postaudit of all accounts, funds and other records of all agencies of the State to determine certain information, including the compliance of the agency with applicable laws and regulations. (NRS 218G.200) Section 2 of this bill specifies that such applicable laws and regulations include, without limitation, the standards regarding records containing personal information set forth in section 1.

Existing law authorizes each governmental agency of this State to determine whether, and the extent to which, it will accept electronic records. (NRS 719.350) Existing law prohibits a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency on or after January 1, 2007, unless required pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant. (NRS 239B.030) Section 3 of this bill ~~prohibits~~ authorizes a governmental agency ~~from requiring~~ to require a person to submit a document that is required to contain personal information by electronic means. Section 3 further authorizes a governmental agency to ~~accept documents that are required to contain personal information submitted by electronic means so long as the governmental agency accepts equivalent documents submitted in paper form. Section 4 of this bill makes a conforming change.~~ establish procedures by which a person may apply for and receive a waiver from such a requirement.

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

Section 1. NRS 603A.210 is hereby amended to read as follows:

603A.210 1. A data collector that maintains records which contain personal information of a resident of this State shall implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.

2. *If a data collector is a governmental agency and maintains records which contain personal information of a resident of this State, the data collector shall, to the extent practicable, with respect to the collection, dissemination and maintenance of those records, comply with the current version of the CIS Controls as published by the Center for Internet Security,*

Inc. or its successor organization, or corresponding standards adopted by the National Institute of Standards and Technology of the United States Department of Commerce.

3. A contract for the disclosure of the personal information of a resident of this State which is maintained by a data collector must include a provision requiring the person to whom the information is disclosed to implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.

~~{3}~~ 4. If a state or federal law requires a data collector to provide greater protection to records that contain personal information of a resident of this State which are maintained by the data collector and the data collector is in compliance with the provisions of that state or federal law, the data collector shall be deemed to be in compliance with the provisions of this section.

Sec. 2. NRS 218G.200 is hereby amended to read as follows:

218G.200 1. The Legislative Auditor shall perform a postaudit of all accounts, funds and other records of all agencies of the State to determine one or any combination of the following:

(a) Whether the financial statements of the audited agency comply with generally accepted principles of accounting.

(b) The honesty and integrity of fiscal affairs, the accuracy and reliability of information and reports, and the effectiveness of the system of management controls of the audited agency.

(c) Compliance with all applicable laws and regulations ~~{7}~~, *including, without limitation, compliance with the standards regarding records containing personal information set forth in NRS 603A.210.*

(d) Whether the operations of the agency of the State have been conducted in accordance with its contractual obligations.

(e) Whether control by management and the system of information provide an adequate and efficient system of records and accounting.

2. Every officer and employee of an agency of the State shall aid and assist the Legislative Auditor at such times as the Legislative Auditor requires in the inspection, examination and audit of any books, accounts and records in their possession.

Sec. 3. NRS 239B.030 is hereby amended to read as follows:

239B.030 1. Except as otherwise provided in subsections 2, 3 and ~~{6, 7, 7}~~ 8, a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.

2. If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the personal information

is maintained in a confidential manner and may only disclose the personal information as required:

- (a) To carry out a specific state or federal law; or
- (b) For the administration of a public program or an application for a federal or state grant.

↪ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

3. *If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, ~~2020,~~ 2021, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency ~~shall not~~ may require a person to record, file or otherwise submit such a document by electronic means.*

~~4. A governmental agency may ~~accept documents that are required to contain personal information recorded, filed or otherwise submitted by electronic means so long as the governmental agency accepts equivalent documents recorded, filed or otherwise submitted in paper form using any method of delivery used in conventional commercial practice, including, without limitation, delivery by hand, mail or commercial delivery.~~ establish procedures by which a person may apply for and receive a waiver from a requirement imposed pursuant to subsection 3. Such procedures must:~~

~~(a) Authorize the governmental agency to waive a requirement imposed pursuant to subsection 3 for good cause shown;~~

~~(b) Require such a waiver to be effective for not less than 24 months; and~~

~~(c) Allow a person who has been granted a waiver to reapply for and obtain additional waivers.~~

~~4.~~ 5. A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.

~~4.-5.~~ 6. A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain personal information about any person or, if the document contains any such personal information, identification of the specific law, public program or grant that requires the inclusion of the personal information. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required or any document which contains personal information about a person that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

~~5.-6.~~ 7. Each governmental agency may ensure that any personal information contained in a document that has been recorded, filed or otherwise

submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is:

(a) Maintained in a confidential manner if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant; or

(b) Obliterated or otherwise removed from the document, by any method, including, without limitation, through the use of computer software, if the personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

↪ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

~~{6-7-}~~ 8. A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:

(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.

(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.

↪ The governmental agency shall not charge any fee to perform the service requested pursuant to this subsection.

~~{7-8-}~~ 9. As used in this section:

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 4. ~~[NRS 719.350 is hereby amended to read as follows:~~

~~719.350 1. Except as otherwise provided in subsection 3 of NRS 239B.030, subsection 6 of NRS 719.290 and NRS 719.345, each governmental agency of this state shall determine whether, and the extent to~~

~~which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.~~

~~2. Except as otherwise provided in NRS 719.345, to the extent that a governmental agency uses electronic records and electronic signatures under subsection 1, the governmental agency, giving due consideration to security, may specify:~~

~~(a) The manner and format in which the electronic records must be created, generated, sent, communicated, received and stored and the systems established for those purposes;~~

~~(b) If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;~~

~~(c) Processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality and auditability of electronic records; and~~

~~(d) Any other required attributes for electronic records which are specified for corresponding non-electronic records or reasonably necessary under the circumstances.~~

~~3. Except as otherwise provided in subsection 6 of NRS 719.290 and NRS 719.345, the provisions of this chapter do not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures.] (Deleted by amendment.)~~

Sec. 5. This act becomes effective on January 1, ~~2020,~~ 2021.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 483 makes four changes to Senate Bill No. 302. It requires a governmental agency to comply with the current version of the CIS Controls "to the extent practicable." It authorizes a governmental agency to establish procedures for a person to apply for and receive a waiver from submitting by electronic means a document that contains personal information. It deletes section 4, which made conforming changes, and amends the effective date of this bill to January 1, 2021.

Amendment adopted.

The following amendment was proposed by Senator Seevers Gansert:

Amendment No. 484.

SUMMARY—Revises provisions relating to personal information collected by governmental agencies. (BDR 52-547)

AN ACT relating to privacy; requiring a governmental agency to comply with certain standards with respect to the collection, dissemination and maintenance of records containing personal information of a resident of this State; prohibiting a governmental agency from requiring a person to submit a record containing personal information by electronic means; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a data collector, including a governmental agency, that maintains records which contain personal information of a resident of this State to implement and maintain reasonable security measures to protect such records. (NRS 603A.210) Section 1 of this bill requires a data collector that is a governmental agency to comply with certain standards published by the Center for Internet Security, Inc. or the National Institute of Standards and Technology with respect to the collection, dissemination and maintenance of records containing personal information. Section 1 requires the Office of Information Security of the Division of Enterprise Information Technology Services of the Department of Administration to create, maintain and make available to the public a list of controls and standards that the State is required to comply with pursuant to federal law that also satisfy the standards and controls set forth in section 1.

Existing law requires the Legislative Auditor to conduct a postaudit of all accounts, funds and other records of all agencies of the State to determine certain information, including the compliance of the agency with applicable laws and regulations. (NRS 218G.200) Section 2 of this bill specifies that such applicable laws and regulations include, without limitation, the standards regarding records containing personal information set forth in section 1. Section 1.5 of this bill provides that all records and information relating to an audit conducted for such purposes, other than a statement indicating whether the agency is complying with the standards set forth in section 1, are confidential.

Existing law authorizes each governmental agency of this State to determine whether, and the extent to which, it will accept electronic records. (NRS 719.350) Existing law prohibits a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency on or after January 1, 2007, unless required pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant. (NRS 239B.030) Section 3 of this bill prohibits a governmental agency from requiring a person to submit a document that is required to contain personal information by electronic means. Section 3 authorizes a governmental agency to accept documents that are required to contain personal information submitted by electronic means so long as the governmental agency accepts equivalent documents submitted in paper form. Section 4 of this bill makes a conforming change.

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

Section 1. NRS 603A.210 is hereby amended to read as follows:

603A.210 1. A data collector that maintains records which contain personal information of a resident of this State shall implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.

2. *If a data collector is a governmental agency and maintains records which contain personal information of a resident of this State, the data collector shall, with respect to the collection, dissemination and maintenance of those records, comply with the current version of the CIS Controls as published by the Center for Internet Security, Inc. or its successor organization, or corresponding standards adopted by the National Institute of Standards and Technology of the United States Department of Commerce.*

3. A contract for the disclosure of the personal information of a resident of this State which is maintained by a data collector must include a provision requiring the person to whom the information is disclosed to implement and maintain reasonable security measures to protect those records from unauthorized access, acquisition, destruction, use, modification or disclosure.

~~{3-}~~ 4. If a state or federal law requires a data collector to provide greater protection to records that contain personal information of a resident of this State which are maintained by the data collector and the data collector is in compliance with the provisions of that state or federal law, the data collector shall be deemed to be in compliance with the provisions of this section.

5. The Office of Information Security of the Division of Enterprise Information Technology Services of the Department of Administration shall create, maintain and make available to the public a list of controls and standards with which the State is required to comply pursuant to any federal law, regulation or framework that also satisfy the controls and standards set forth in subsection 2.

Sec. 1.5. Chapter 218G of NRS is hereby amended by adding thereto a new section to read as follows:

1. A report of an audit conducted by the Legislative Auditor pursuant to NRS 218G.200 to determine whether an agency of the State is complying with the standards regarding records containing personal information set forth in NRS 603.210 must contain only a statement that the agency, as applicable:

(a) Has adequately complied with the standards set forth in NRS 603A.210;
or

(b) Has not adequately complied with the standards set forth in NRS 603A.210.

2. Except as otherwise provided in subsection 1, any records or other information relating to an audit described in subsection 1, including, without limitation, any records containing information which would be required to be kept confidential pursuant to NRS 242.105, are confidential and not subject to inspection by the general public.

Sec. 2. NRS 218G.200 is hereby amended to read as follows:

218G.200 1. The Legislative Auditor shall perform a postaudit of all accounts, funds and other records of all agencies of the State to determine one or any combination of the following:

(a) Whether the financial statements of the audited agency comply with generally accepted principles of accounting.

(b) The honesty and integrity of fiscal affairs, the accuracy and reliability of information and reports, and the effectiveness of the system of management controls of the audited agency.

(c) Compliance with all applicable laws and regulations [—] , *including, without limitation, compliance with the standards regarding records containing personal information set forth in NRS 603A.210.*

(d) Whether the operations of the agency of the State have been conducted in accordance with its contractual obligations.

(e) Whether control by management and the system of information provide an adequate and efficient system of records and accounting.

2. Every officer and employee of an agency of the State shall aid and assist the Legislative Auditor at such times as the Legislative Auditor requires in the inspection, examination and audit of any books, accounts and records in their possession.

Sec. 2.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120,

391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, and section 1.5 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge,

diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 3. NRS 239B.030 is hereby amended to read as follows:

239B.030 1. Except as otherwise provided in subsections 2, 3 and ~~6,~~ 7, a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007.

2. If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2007, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall ensure that the personal information is maintained in a confidential manner and may only disclose the personal information as required:

(a) To carry out a specific state or federal law; or

(b) For the administration of a public program or an application for a federal or state grant.

↪ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

3. *If personal information about a person is required to be included in a document that is recorded, filed or otherwise submitted to a governmental agency on or after January 1, 2020, pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant, a governmental agency shall not require a person to record, file or otherwise submit such a document by electronic means. A governmental agency may accept documents that are required to contain personal*

information recorded, filed or otherwise submitted by electronic means so long as the governmental agency accepts equivalent documents recorded, filed or otherwise submitted in paper form using any method of delivery used in conventional commercial practice, including, without limitation, delivery by hand, mail or commercial delivery.

4. A governmental agency shall take necessary measures to ensure that notice of the provisions of this section is provided to persons with whom it conducts business. Such notice may include, without limitation, posting notice in a conspicuous place in each of its offices.

~~{4.}~~ 5. A governmental agency may require a person who records, files or otherwise submits any document to the governmental agency to provide an affirmation that the document does not contain personal information about any person or, if the document contains any such personal information, identification of the specific law, public program or grant that requires the inclusion of the personal information. A governmental agency may refuse to record, file or otherwise accept a document which does not contain such an affirmation when required or any document which contains personal information about a person that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

~~{5.}~~ 6. Each governmental agency may ensure that any personal information contained in a document that has been recorded, filed or otherwise submitted to the governmental agency before January 1, 2007, which the governmental agency continues to hold is:

(a) Maintained in a confidential manner if the personal information is required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant; or

(b) Obliterated or otherwise removed from the document, by any method, including, without limitation, through the use of computer software, if the personal information is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant.

↪ Any action taken by a governmental agency pursuant to this subsection must not be construed as affecting the legality of the document.

~~{6.}~~ 7. A person may request that a governmental agency obliterate or otherwise remove from any document submitted by the person to the governmental agency before January 1, 2007, any personal information about the person contained in the document that is not required to be included in the document pursuant to a specific state or federal law, for the administration of a public program or for an application for a federal or state grant or, if the personal information is so required to be included in the document, the person may request that the governmental agency maintain the personal information in a confidential manner. If any documents that have been recorded, filed or otherwise submitted to a governmental agency:

(a) Are maintained in an electronic format that allows the governmental agency to retrieve components of personal information through the use of computer software, a request pursuant to this subsection must identify the components of personal information to be retrieved. The provisions of this paragraph do not require a governmental agency to purchase computer software to perform the service requested pursuant to this subsection.

(b) Are not maintained in an electronic format or not maintained in an electronic format in the manner described in paragraph (a), a request pursuant to this subsection must describe the document with sufficient specificity to enable the governmental agency to identify the document.

↪ The governmental agency shall not charge any fee to perform the service requested pursuant to this subsection.

{7-} 8. As used in this section:

(a) "Governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

(b) "Personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 4. NRS 719.350 is hereby amended to read as follows:

719.350 1. Except as otherwise provided in *subsection 3 of NRS 239B.030*, subsection 6 of NRS 719.290 and NRS 719.345, each governmental agency of this state shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

2. Except as otherwise provided in NRS 719.345, to the extent that a governmental agency uses electronic records and electronic signatures under subsection 1, the governmental agency, giving due consideration to security, may specify:

(a) The manner and format in which the electronic records must be created, generated, sent, communicated, received and stored and the systems established for those purposes;

(b) If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;

(c) Processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality and auditability of electronic records; and

(d) Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

3. Except as otherwise provided in subsection 6 of NRS 719.290 and NRS 719.345, the provisions of this chapter do not require a governmental

agency of this state to use or permit the use of electronic records or electronic signatures.

Sec. 5. This act becomes effective on January 1, 2020.

Senator Seevers Gansert moved the adoption of the amendment.

Remarks by Senator Seevers Gansert.

Amendment No. 484 makes two changes to Senate Bill No. 302. It requires the Office of Information Security of the Division of Enterprise Information Technology Services (EITS) of the Department of Administration to maintain and make publicly available a list of controls and standards that the State is required to comply pursuant to federal laws, regulations and frameworks which also satisfy the controls and standards required in this bill. It provides that all records and information relating to an audit conducted for the purpose to determine whether a State agency is complying with the standards set forth in the bill are confidential, except for a statement indicating whether the agency is complying with the standards.

I brought this amendment forward because we audit our controls for the information we keep. If we allow that information to get into the public, they would know where our weaknesses are. I worked with the Department of Education, Rehabilitation and Training and representatives from EITS to bring this forward.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 146.

SUMMARY—Revises provisions relating to hemp. (BDR 49-976)

AN ACT relating to hemp; revising provisions relating to the growth, handling and production of hemp; 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 3-6, 9, 13, 15 and 17-21 of this bill revise various sections of state law to use the term "hemp" for this plant and its derivatives.

Section 1 of this bill requires each site used for growing, handling or producing hemp to be certified and registered with the State Department of Agriculture. Section 14 of this bill authorizes the Department to adopt regulations for the certification and registration of such sites. Section 5 of this

bill revises the definition of the term "handler" to remove the word "raw" when referencing the handling of hemp. Section 6 of this bill revises the definition of the term "industrial hemp" to be consistent with federal law. Section 8 of this bill exempts a person who purchases hemp or a commodity or product made using hemp for resale or who transports hemp or a commodity or product made using hemp from the requirements of state law relating to growers, handlers and producers of hemp in certain circumstances.

Section 9 of this bill requires an applicant for registration as a grower, handler or producer to include information concerning the land and crop management practices of the applicant in an application for registration. Section 9 requires an applicant for renewal of registration as a grower, handler or producer to submit certain information. Section 9 requires a grower, handler or producer who intends to surrender or not renew a registration to notify the Department and submit a plan for the effective disposal or eradication of certain hemp. Section 9 authorizes the Department to establish by regulation :(1) provisions relating to the transfer of a registration as a grower, handler or producer; and (2) fees for services performed by the Department.

Section 12 of this bill requires a grower or handler to keep and maintain certain records for a period of not less than 3 years. Section 12 requires a grower to submit to the Department and comply with an approved plan to dispose of a crop that is found to contain a THC concentration ~~of more than 0.3 percent on a dry weight basis.~~ that exceeds the maximum THC concentration established by federal law for hemp. Section 12 authorizes the Department to impose an administrative fine for certain land or crop management practices. Section 13 of this bill requires a grower to submit to the Department the legal description of property on which the crop of the grower is located.

Section 14 of this bill authorizes the Department to adopt regulations necessary to comply with any requirement imposed by the United States Department of Agriculture. Section 14 prohibits a grower from obtaining agricultural hemp seed which was produced in this State by a person other than a producer or produced in another state by a person not registered and approved to produce and sell agricultural hemp seed in that state. Section 14 requires a handler to obtain hemp from a grower and agricultural hemp seed from a producer.

Section 15 of this bill eliminates provisions that require a handler to submit a commodity or product made using hemp which is intended for human consumption for certain testing. Section 15 requires a grower or producer to submit, before harvesting, a sample of each crop to the Department or a laboratory approved by the Department for testing to determine the THC concentration of the crop. If a crop is harvested before such testing is completed, section 15 authorizes the Department to detain, seize or embargo the crop.

Section 17 of this bill eliminates provisions that make growing or handling hemp or producing agricultural hemp seed without a registration a

misdemeanor. Section 17 instead requires the Department to impose an administrative fine on such a person and report the person to the appropriate local law enforcement agency for investigation.

Section 22 of this bill repeals provisions that provide for the growth or cultivation of industrial hemp for purposes relating to research. Sections 2, 5, 7-12 and 16 of this bill make conforming changes.

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

Section 1. Chapter 557 of NRS is hereby amended by adding thereto a new section to read as follows:

Each site used for growing, handling or producing hemp in this State must be certified by and registered with the Department before growing, handling or producing hemp.

Sec. 2. NRS 557.100 is hereby amended to read as follows:

557.100 As used in ~~[NRS 557.100 to 557.290, inclusive,]~~ *this chapter*, unless the context otherwise requires, the words and terms defined in NRS 557.110 to 557.180, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 557.120 is hereby amended to read as follows:

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

Sec. 4. 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. 5. 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,]~~ *this chapter* and ~~[receives industrial]~~ *handles hemp* for processing into commodities, products or agricultural hemp seed.

Sec. 6. 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. 7. NRS 557.170 is hereby amended to read as follows:

557.170 "Producer" means a person who is registered by the Department pursuant to ~~[NRS 557.100 to 557.290, inclusive,] this chapter~~ and produces agricultural hemp seed.

Sec. 8. NRS 557.190 is hereby amended to read as follows:

557.190 The provisions of ~~[NRS 557.100 to 557.290, inclusive,] this chapter~~ 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.]~~ :

1. *A person who purchases, for the purpose of resale, hemp or a commodity or product made using hemp which was not grown or processed by the person; or*

2. *A person who transports hemp or a commodity or product made using hemp which was not grown or processed by the person,*

↪ if such a person reasonably believes the hemp or commodity or product made using hemp was grown or processed in compliance with the provisions of this chapter.

Sec. 9. 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) *Information concerning the land and crop management practices of the applicant; and*

(d) 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]~~ :

(a) *Proof satisfactory to the Department that the applicant complied with the provisions of this chapter and the regulations adopted pursuant thereto relating to testing of hemp;*

(b) *Proof satisfactory to the Department that the land and crop management practices of the applicant are adequate, consistent with any previous information submitted to the Department and do not negatively affect natural resources; and*

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

6. *A grower, handler or producer who intends to surrender or not renew a registration must notify the Department not less than 30 days before the registration is surrendered or expires and submit to the Department a plan for the effective disposal or eradication of any existing live plants, viable seed or harvested crop.*

7. ~~[Registration]~~ *The Department shall adopt regulations that authorize the transfer of a registration as a grower, handler or producer ~~is not transferable. If]~~ and establish conditions for such a transfer. The regulations must include, without limitation, provisions which allow a grower, handler or producer which 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. this chapter. —7.]~~ to transfer its registration to the new entity.*

~~8.~~ The Department shall establish by regulation fees for the issuance and renewal of registration as a grower, handler or producer *and for any other service performed by the Department* in an amount necessary to cover the costs of carrying out ~~[NRS 557.100 to 557.290, inclusive.] this chapter.~~

Sec. 10. NRS 557.210 is hereby amended to read as follows:

557.210 1. In addition to any other requirements set forth in ~~[NRS 557.100 to 557.290, inclusive.] this chapter,~~ an applicant for registration or the renewal of a registration as a grower, handler or producer shall:

(a) Include the social security number of the applicant in the application submitted to the Department.

(b) Submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Department shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the registration; or

(b) A separate form prescribed by the Department.

3. Registration as a grower, handler or producer may not be issued or renewed by the Department if the applicant:

- (a) Fails to submit the statement required pursuant to subsection 1; or
- (b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 11. NRS 557.230 is hereby amended to read as follows:

557.230 1. In addition to any other requirements set forth in ~~[NRS 557.100 to 557.290, inclusive,]~~ *this chapter*, an applicant for the renewal of a registration as a grower, handler or producer must indicate in the application submitted to the Department whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS.

2. Registration as a grower, handler or producer may not be renewed by the Department if:

- (a) The applicant fails to submit the information required by subsection 1; or

- (b) The State Controller has informed the Department pursuant to subsection 5 of NRS 353C.1965 that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

- (1) Satisfied the debt;

- (2) Entered into an agreement for the payment of the debt pursuant to NRS 353C.130; or

- (3) Demonstrated that the debt is not valid.

3. As used in this section:

- (a) "Agency" has the meaning ascribed to it in NRS 353C.020.

- (b) "Debt" has the meaning ascribed to it in NRS 353C.040.

Sec. 12. NRS 557.240 is hereby amended to read as follows:

557.240 1. A grower or handler shall keep *and maintain for a period of not less than 3 years* such records as the Department may prescribe by regulation and, upon 3 days' notice, make such records available to the Department for inspection during normal business hours. The Department may inspect records pursuant to this subsection to determine whether a person has complied with the provisions of ~~[NRS 557.100 to 557.290, inclusive,]~~ *this chapter*, the regulations adopted pursuant thereto and any lawful order of the Department.

2. The Department may inspect any growing crop of a grower and take a representative sample for analysis in the field. If the testing of such a sample in the field determines that the crop contains a THC concentration ~~of more than 0.3 percent on a dry weight basis, the~~ that exceeds the maximum THC concentration established by federal law for hemp :

(a) The Department may detain, seize or embargo the crop ~~it~~ ; and
 (b) The grower shall submit a plan for the effective disposal of the crop to the Department for its approval.

3. If a grower fails to submit an approved plan to the Department pursuant to paragraph (b) of subsection 2 or fails to follow the provisions of such a plan, the Department may:

(a) Impose any additional requirement it determines necessary upon the grower;
 (b) Suspend or revoke the registration of the grower;
 (c) Impose an administrative fine pursuant to NRS 557.280 on the grower;
 (d) Report the grower to the appropriate local law enforcement agency for investigation of a violation of the provisions of chapter 453 of NRS.

4. If the Department determines that the land or crop management practices of a grower, handler or producer are inadequate, inconsistent with the information concerning such practices submitted to the Department pursuant to NRS 557.200 or negatively affect natural resources, the Department may impose an administrative fine pursuant to NRS 557.280.

Sec. 13. NRS 557.250 is hereby amended to read as follows:

557.250 1. Each grower shall provide the Department with a legal description of ~~and additional information to identify~~ the property on which the crop of the grower is or will be located. Such ~~description~~ additional information 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. 14. NRS 557.260 is hereby amended to read as follows:

557.260 1. The Department may adopt regulations ~~establishing~~ necessary to:

(a) Establish quality standards and requirements for the packaging and labeling of agricultural hemp seed ~~it~~ ;

(b) Provide for the certification and registration of sites used for growing, producing or handling hemp; and

(c) ~~Restrict or prohibit the use or processing of hemp for the creation, manufacture, sale or use of cannabidiol or any compound, salt, derivative, mixture or preparation of cannabidiol; and~~

~~(d)~~ Comply with any requirement imposed by the United States Department of Agriculture, including, without limitation, any requirement related to reporting information regarding growers, handlers and producers.

2. A producer shall comply with:

(a) Any regulation adopted by the Department pursuant to subsection 1; and

(b) The provisions of NRS 587.015 to 587.123, inclusive, and any regulations adopted pursuant thereto.

3. ~~{A grower may only obtain}~~ Any agricultural hemp seed which is obtained by a grower and was produced ~~in~~ :

(a) In this State ~~from~~ must be produced by a producer ; and ~~which was produced in~~

(b) In another state ~~from~~ must be produced by a person who is registered and approved to produce and sell agricultural hemp seed pursuant to the laws of that state.

4. The Department shall provide adequate information to growers to identify producers from which a grower may purchase agricultural hemp seed.

~~{4.}~~ 5. A handler may only obtain hemp from a grower and agricultural hemp seed for cleaning and future propagation from a producer.

Sec. 15. 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 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 commodities and products made using industrial hemp, including, without limitation, determining appropriate standards for sampling and for the size of batches for testing.~~

~~4.} A grower or producer shall, before harvesting, submit a sample of each crop to the Department or a 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 exceeds the maximum 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 to determine whether the crop has a THC concentration of not more than 0.3 percent on a dry weight basis. 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~~ a laboratory provide the results of the testing directly to the Department in a manner prescribed by the Department.

~~5.1~~ 3. A crop which is harvested before the testing required by subsection 2 is completed shall be deemed to have failed the testing and may be detained, seized or embargoed by the Department. The Department shall not renew the registration of a grower or producer who harvests a crop before the testing required by subsection 2 is completed.

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. 16. NRS 557.280 is hereby amended to read as follows:

557.280 1. The Department may refuse to issue or renew, suspend or revoke the registration of a grower, handler or producer for a violation of any provision of ~~[NRS 557.100 to 557.290, inclusive,]~~ this chapter, the regulations adopted pursuant thereto or any lawful order of the Department.

2. In addition to any other penalty provided by law, the Department may impose an administrative fine on any person who violates any of the provisions of ~~[NRS 557.100 to 557.290, inclusive,]~~ this chapter, the regulations adopted pursuant thereto or any lawful order of the Department in an amount not to exceed \$2,500.

3. All fines collected by the Department pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 17. NRS 557.290 is hereby amended to read as follows:

557.290 ~~[Any]~~ If a 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.],~~ shall:

1. Impose an administrative fine pursuant to NRS 557.280 on the person;
 and

2. Report the person to the appropriate local law enforcement agency for investigation of a violation of the provisions of chapter 453 of NRS.

Sec. 18. 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

(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. 19. 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. 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. 20. 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, from a grower or handler registered by the State Department of Agriculture pursuant to *chapter 557 of NRS . [557.100 to 557.290, inclusive.]* A facility for the production of edible marijuana products or marijuana-infused products may use ~~industrial~~ hemp to manufacture edible marijuana products and marijuana-infused products. A medical marijuana dispensary may dispense ~~industrial~~ hemp and edible

marijuana products and marijuana-infused products manufactured using ~~industrial~~ hemp.

Sec. 21. 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, 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. 22. NRS 557.010, 557.020, 557.030, 557.040, 557.050, 557.060, 557.070 and 557.080 are hereby repealed.

Sec. 23. This act becomes effective on July 1, 2019.

LEADLINES OF REPEALED SECTIONS

557.010 Definitions.

557.020 "Agricultural pilot program" defined.

557.030 "Department" defined.

557.040 "Industrial hemp" defined.

557.050 "Institution of higher education" defined.

557.060 "THC" defined.

557.070 Growing and cultivation of industrial hemp for certain purposes; certification and registration of site.

557.080 Regulations.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 146 makes several changes to Senate Bill No. 347. The amendment amends the definition of the term "handler" to remove the word "raw" when referencing the handling of hemp. It requires the State Department of Agriculture to adopt regulations to allow the transfer of registration of a grower, handler or producer as a result of a change in ownership. It requires any agricultural hemp seed which was produced within this State and obtained by a grower to have been produced by a registered producer, and it requires any agricultural hemp seed which was produced outside of this State and obtained by a grower to have been produced by a person who is registered and approved to produce and sell agricultural hemp seed pursuant to the laws of the other state. It revises all provisions of the bill that refer to the maximum THC concentration of hemp as not more than 0.3 percent to instead refer to the maximum THC concentration of hemp as provided in federal law so that the maximum THC concentration allowed under State law tracks any changes made to federal law.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 441.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 524.

SUMMARY—Provides for the separate regulation of online charter schools. (BDR 34-392)

AN ACT relating to education; revising provisions relating to programs of distance education; establishing provisions relating to charter schools for distance education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a school district or charter school to provide a program of distance education if the school district or charter school satisfies certain requirements. (NRS 388.838) Sections 6-14 of this bill establish provisions for a charter school to operate exclusively as a charter school for distance education. Section 11 of this bill authorizes a charter school sponsored by the State Public Charter School Authority or a committee to form a charter school or charter management organization that has applied for sponsorship from the Authority to apply to the Authority for authorization to operate as a charter school for distance education. Section 11 requires a charter school, committee to form a charter school or charter management organization to satisfy certain requirements to be authorized as a charter school for distance education. Section 11 also requires a charter contract to operate a charter school for distance education to include certain provisions. Section 12 of this bill authorizes a charter school for distance education to use certain methods to collect certain information. Section 13 of this bill designates the Authority as the local educational agency for all charter schools for distance education sponsored by the Authority and authorizes the Authority to deem a charter school for distance education sponsored by the Authority a local educational agency. Section 14 of this bill requires the Authority to adopt certain

regulations. Section 15 of this bill provides that a charter school that has an existing written charter or charter contract with the Authority to operate a program of distance education entered into on or before July 31, 2019, is deemed a charter school for distance education.

Existing law requires a pupil who wishes to enroll full-time in a program of distance education to receive permission from the board of trustees of the school district where the pupil resides. (NRS 388.854) Section 3 of this bill removes that requirement. Section 5 of this bill prohibits a charter school sponsored by a school district that offers a full-time program of distance education from enrolling a pupil in the program who resides outside that school district. ~~[Existing law requires that the apportionment to a school district, charter school or university school for profoundly gifted pupils from the State Distributive School Account consider the funds attributed to pupils who reside in the county who are enrolled full-time or part-time in a program of distance education. (NRS 387.124) Section 1 of this bill removes the consideration of funds attributed to pupils enrolled full-time in a program of distance education provided by another school district as such enrollment is prohibited by section 5. Existing law requires all money due to a charter school to be paid at certain times during the year, unless a withholding is authorized by the Superintendent of Public Instruction in certain circumstances. (NRS 387.185) Section 2 of this bill authorizes a similar withholding by the State Public Charter School Authority in certain circumstances.]~~

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

Section 1. ~~[NRS 387.124 is hereby amended to read as follows:~~

~~— 387.124 — Except as otherwise provided in this section and NRS 387.1241, 387.1242 and 387.528:~~

~~— 1 — On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.163, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled [full time or] part-time in a program of distance education provided by another school district or a charter school [, or full-time in a program of distance education provided by that school district or a charter school located in that school district, all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county and all the funds deposited in education savings accounts established on behalf of children who reside in the county pursuant to NRS 353B.700 to 353B.930, inclusive. No~~

apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

~~2. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, if a pupil is enrolled part time in a program of distance education and part time in a:~~

~~(a) Public school other than a charter school, an apportionment must be made to the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.~~

~~(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.~~

~~3. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.~~

~~4. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.]~~
(Deleted by amendment.)

Sec. 2. ~~[NRS 387.185 is hereby amended to read as follows:~~

~~387.185 1. Except as otherwise provided in subsection 2 and NRS 387.528, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, all school money due each county school district must be paid over by the State Treasurer to the county treasurer on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the county treasurer may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.~~

~~2. Except as otherwise provided in NRS 387.528, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, if the board of trustees of a school district establishes and administers a separate account pursuant to the provisions of NRS 354.603, all school money due that school district must be paid over by the State Treasurer~~

~~to the school district on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the school district may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124.~~

~~—3. No county school district may receive any portion of the public school money unless that school district has complied with the provisions of this title and regulations adopted pursuant thereto.~~

~~—4. Except as otherwise provided in this subsection, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244 [,] or the State Public Charter School Authority authorizes a withholding pursuant to section 14 of this act, all school money due each charter school must be paid over by the State Treasurer to the governing body of the charter school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to subsection 3 of NRS 387.1241, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the charter school must be paid by the State Treasurer to the governing body of the charter school on July 1, October 1, January 1 or April 1, as applicable.~~

~~—5. Except as otherwise provided in this subsection, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, all school money due each university school for profoundly gifted pupils must be paid over by the State Treasurer to the governing body of the university school on August 1, November 1, February 1 and May 1 of each year or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to NRS 387.1242, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the university school must be paid by the State Treasurer to the governing body of the university school on July 1, October 1, January 1 or April 1, as applicable.} (Deleted by amendment.)~~

Sec. 3. NRS 388.854 is hereby amended to read as follows:

388.854 1. {Before a pupil may enroll full time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Except as otherwise provided in NRS 388.850 or other specific statute, a board of trustees from whom permission is requested pursuant to this subsection shall grant the requested permission.

~~—2.} A pupil who enrolls part-time in a program of distance education that is provided by a school district other than the school district in which the pupil~~

resides or that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

~~{3.} If the board of trustees of a school district grants permission for a pupil to enroll full time in a program of distance education pursuant to subsection 1 or if~~

2. *If a pupil enrolls part-time in a program of distance education pursuant to subsection ~~{2.} 1~~, the board of trustees of the school district in which the pupil resides shall enter into a written agreement with the board of trustees of the school district or the governing body of the charter school, as applicable, that provides the program of distance education. ~~{If the pupil enrolls part time in a program of distance education, the}~~ The agreement must include, without limitation, the amount of the apportionment provided to the school district where the pupil resides that will be allocated pursuant to paragraph (a) of subsection 2 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.*

~~{4.} 3. A separate agreement must be prepared for each year that a pupil enrolls part-time in a program of distance education. ~~{If permission is granted pursuant to subsection 1, the written agreement required by this subsection is not a condition precedent to the pupil's enrollment in the program of distance education.}~~~~

~~{5.} 4. If the school district in which the pupil resides and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education in which the pupil is enrolled part-time are unable to reach an agreement as required pursuant to subsection ~~{3.} 2~~, the Superintendent of Public Instruction will determine the amount of the apportionment which the school district where the pupil resides will be required to allocate pursuant to paragraph (a) of subsection 2 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.~~

Sec. 4. Chapter 388A of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 14, inclusive, of this act.

Sec. 5. *A charter school that is sponsored by a school district and that offers a full-time program of distance education may not enroll a pupil in the program who does not reside in that school district.*

Sec. 6. *As used in sections 6 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 7. *"Charter school for distance education" means a charter school that provides a full-time program of distance education.*

Sec. 8. *"Course of distance education" has the meaning ascribed to it in NRS 388.823.*

Sec. 9. *"Distance education" has the meaning ascribed to it in NRS 388.826.*

Sec. 10. *"Program of distance education" has the meaning ascribed to it in NRS 388.829.*

Sec. 11. 1. *A charter school that is sponsored by the State Public Charter School Authority, or a committee to form a charter school or charter management organization that has submitted an application to be sponsored by the State Public Charter School Authority, may apply to the State Public Charter School Authority for authorization to operate as a charter school for distance education. The charter school, committee to form a charter school or charter management organization shall include in its application to the State Public Charter School Authority a description of:*

(a) The support available to each pupil, in his or her home or community, including, without limitation, the availability and frequency of interactions between the pupil and teachers;

(b) The methods the charter school for distance education will use to administer any test, exam or assessment required by state or federal law;

(c) The methods the charter school for distance education will use to assess the academic success of pupils; and

(d) The criteria pupils must meet to be eligible for enrollment at the charter school for distance education and the process for accepting pupils.

2. *The State Public Charter School Authority ~~shall~~ may authorize:*

(a) A charter school to operate as a charter school for distance education if the charter school satisfies the requirements of subsection 1.

(b) A committee to form a charter school or a charter management organization to form or operate, as applicable, a charter school for distance education if the committee to form a charter school or charter management organization satisfies the requirements of subsection 1 and of subsection 3 of NRS 388A.249.

3. *The State Public Charter School Authority shall adopt a standard charter contract that meets the requirements for charter contracts pursuant to NRS 388A.270 to be used for each charter school for distance education.*

4. *In addition to any other provisions required by law, a charter contract to operate a charter school for distance education entered into on or after July 31, 2019, must include a description of:*

(a) The support available to each pupil, in his or her home or community, including, without limitation, the availability and frequency of interactions between the pupil and teachers;

(b) The methods the charter school for distance education will use to administer any test, exam or assessment required by state or federal law;

(c) The methods the charter school for distance education will use to assess the academic success of pupils; and

(d) The criteria pupils must meet to be eligible for enrollment at the charter school for distance education and the process for accepting pupils.

Sec. 12. *For the purposes of collecting the information required pursuant to NRS 385A.240 on the attendance, truancy and transiency of pupils, a charter school for distance education may consider the following information:*

1. *The amount of time each pupil spends on a computer, television, Internet website or other means of communication used to administer the program of distance education.*

2. *The progress of each pupil in completing tasks during a specific period of time.*

3. *The number of lessons and units completed by each pupil.*

Sec. 13. 1. *Except as otherwise provided in subsection 2, the State Public Charter School Authority is hereby deemed a local educational agency for all charter schools for distance education which are sponsored by the State Public Charter School Authority.*

2. *The State Public Charter School Authority may adopt regulations to deem a charter school for distance education sponsored by the State Public Charter School Authority a local educational authority. Such a determination must be made on or before March 1 of each even-numbered year and does not become effective until July 1 of the next even-numbered year.*

Sec. 14. *The State Public Charter School Authority shall adopt any regulations necessary to carry out the provisions of sections 5 to 14, inclusive, of this act, including, without limitation, regulations for:*

1. *The delegation of oversight responsibilities to any subcommittee of the State Public Charter School Authority.*

2. *Establishing different requirements for the operation or regulation of or any other matter that requires the different treatment of charter schools for distance education sponsored by the State Public Charter School Authority and traditional charter schools sponsored by the State Public Charter School Authority.*

3. *Determining when a pupil enrolled at a charter school for distance education may be suspended or expelled from such charter school pursuant to NRS 388A.495 for failing to actively participate in the charter school for distance education.*

~~4. *Establishing a system for withholding a portion of funding from a charter school for distance education if the charter school fails to provide evidence of adequate academic progress of the pupils enrolled at the charter school. Any regulations adopted pursuant to this subsection shall establish a process by which a charter school for distance education may appeal a finding of inadequate progress. If a charter school for distance education fails to provide evidence of adequate progress of the pupils enrolled at the charter school after making an appeal, the State Public Charter School Authority shall return the funds withheld pursuant to this subsection to the State Distributive School Account.*~~

Sec. 15. 1. A charter school sponsored by the State Public Charter School Authority that operates a full-time program of distance education that has an existing written charter or charter contract, as applicable, with the State Public Charter School Authority before July 31, 2019, shall be deemed to be a charter school for distance education that has entered into a charter contract with the State Public Charter School Authority on or after July 31, 2019.

2. The current written charter or charter contract, as applicable, of a charter school deemed to be a charter school for distance education pursuant to this section shall remain in effect until the expiration of the written charter or charter contract, as applicable, unless the written charter is revoked or the charter contract is terminated pursuant to NRS 388A.300.

Sec. 16. This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 524 to Senate Bill No. 441 removes the monetary penalty in section 2 of the bill and authorizes, rather than mandates, the State Public Charter School Association to approve online charter schools. The amendment further clarifies that a charter school sponsored by a school district that offers a full-time online program is prohibited from enrolling a student in the program who resides outside of that district.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 465.

SUMMARY—Exempts sales of certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment from sales and use taxes. (BDR 32-1255)

AN ACT relating to taxation; providing for an exemption from sales and use taxes for certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

At the 2016 General Elections, the voters of this State approved Initiative Petition No. 4, which proposed to amend the Nevada Constitution to require the Legislature to provide by law for an exemption from sales and use taxes for certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment. The initiative petition was again approved by the voters at the 2018 General Election. Accordingly, Article 10, Section 3B of the Nevada Constitution was enacted to require the Legislature to provide for the exemption. This bill enacts the exemption from sales and use taxes for certain durable medical equipment, oxygen delivery equipment and mobility enhancing equipment.

Sections 2-4 of this bill define the terms "durable medical equipment," "mobility enhancing equipment" and "oxygen delivery equipment" for the purpose of the exemption. Section 6 of this bill enacts the exemption for the sales and use taxes that are deposited into the State General Fund. Section 9 of this bill amends the Local School Support Tax Law to provide an identical exemption. Any amendment to the Local School Support Tax Law also applies to other sales and use taxes imposed under existing law. (NRS 354.705,

374A.020, 376A.060, 377.040, 377A.030, 377B.110 and 543.600 and various special and local acts) Section 12 of this bill provides that all these exemptions become effective on July 1, 2019.

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

Section 1. Chapter 360B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *"Durable medical equipment" means equipment, including any repair and replacement parts therefor, which:*

- (a) Can withstand repeated use;*
- (b) Is primarily and customarily used to serve a medical purpose;*
- (c) Generally is not useful to a person in the absence of illness or injury;*
and
- (d) Is not worn in or on the body.*

2. *The term includes, without limitation, abduction and orthotic pillows, anesthesia ventilators, bone growth stimulators, dialyzers, enteral feeding systems, drug infusion devices and kidney dialysis machines.*

Sec. 3. 1. *"Mobility enhancing equipment" means equipment, including any repair and replacement parts therefor, which:*

- (a) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;*
- (b) Is not generally used by persons with normal mobility; and*
- (c) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a manufacturer of motor vehicles.*

2. *The term includes, without limitation, wheelchairs, walkers, canes, crutches, mobility enhancing car seats for children with disabilities and swivel seats for persons with disabilities.*

Sec. 4. *"Oxygen delivery equipment" means equipment, including any repair and replacement parts therefor, which is used to deliver oxygen or aerosolized medicine to a person. The term includes, without limitation, tanks and concentrators, ventilators, nebulizers, oral-nasal cannulas and continuous positive airway pressure (CPAP) machines.*

Sec. 5. NRS 360B.400 is hereby amended to read as follows:

360B.400 In administering the provisions of this chapter and chapters 372 and 374 of NRS, and in carrying out the provisions of the Agreement, the Department shall construe the terms defined in NRS 360B.405 to 360B.495, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, in the manner prescribed by those sections.

Sec. 6. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

There are hereby exempted from the taxes imposed by this chapter the gross receipts from sales of, and the storage, use or other consumption of:

- 1. Durable medical equipment;*
- 2. Mobility enhancing equipment; and*

3. *Oxygen delivery equipment,*

↪ *prescribed for human use by a licensed provider of health care acting within his or her scope of practice.*

Sec. 7. NRS 372.195 is hereby amended to read as follows:

372.195 Every retailer maintaining a place of business in this State and making sales of tangible personal property for storage, use or other consumption in this State, not exempted under NRS 372.260 to 372.350, inclusive, *and section 6 of this act*, shall, at the time of making the sales or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Tax Commission.

Sec. 8. NRS 372.260 is hereby amended to read as follows:

372.260 "Exempted from the taxes imposed by this chapter," as used in NRS 372.260 to 372.350, inclusive, *and section 6 of this act*, means exempted from the computation of the amount of taxes imposed.

Sec. 9. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

There are hereby exempted from the taxes imposed by this chapter the gross receipts from sales of, and the storage, use or other consumption of:

1. *Durable medical equipment;*
2. *Mobility enhancing equipment; and*
3. *Oxygen delivery equipment,*

↪ *prescribed for human use by a licensed provider of health care acting within his or her scope of practice.*

Sec. 10. NRS 374.200 is hereby amended to read as follows:

374.200 Every retailer maintaining a place of business in a county and making sales of tangible personal property for storage, use or other consumption in the county, not exempted under NRS 374.265 to 374.355, inclusive, *and section 9 of this act*, shall, at the time of making the sales or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the Department.

Sec. 11. NRS 374.265 is hereby amended to read as follows:

374.265 "Exempted from the taxes imposed by this chapter," as used in NRS 374.265 to 374.355, inclusive, *and section 9 of this act*, means exempted from the computation of the amount of taxes imposed.

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

Senator Dondero Loop moved the adoption of the amendment.

Remarks by Senator Dondero Loop.

Amendment No. 465 to Senate Bill No. 447 adds clarifying terms to the definition of "durable medical equipment" and "mobility enhancing equipment" for the purpose of the exemption based on the terms being included as examples on the ballot questions approved by voters. Pursuant to the amendment, the terms "enteral feeding systems" and "drug infusing devices" are added to the

definition of "durable medical equipment" and the terms "wheelchairs, walkers, canes and crutches" are added to the definition of "mobility enhancing equipment."

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion Carried

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 497

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that Senate Bill No. 57 be taken from the Secretary's desk and placed on the General File on the next Agenda.

Motion carried.

Senator Woodhouse moved that Senate Bill No. 497 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

REMARKS FROM THE FLOOR

Senator Hansen requested that his remarks be entered into the Journal.

Two important days involve both of our parties. The first is April 19, 1775, 244 years ago, which was the Battle of Lexington. The American Revolution started this day. It followed an act of civil disobedience, the Boston Tea Party, where all the tea from the East India Company was thrown into the harbor. Great Britain, the greatest nation on earth, at the time, sent an army over, and that is when Paul Revere, along with William Dawes, made his midnight ride. This has been captured in poetry in "One if by land, two if by sea," and "the old north church." In the middle of the night, he alerted the minutemen, who were the militia. They met at dawn 244 years ago on this day on Lexington Green. The Red Coats defeated them readily. The American militiamen then showed up with their firearms, and it ended up being a significant defeat for the British. This was the start of the American Revolution.

Being a historian, I have developed a great appreciation for what our Founding Fathers have done for us. When the Founding Fathers set up our Country, it was not perfect. There is another movement I have studied, and that is the American Labor Movement. One of the great days in the American Labor Movement was April 20, 1914. Following the Civil War, the first national union movement was the Knights of Labor in 1869. In 1886, it had grown to several hundred-thousand members. In this same year, the American Federation of Labor was born, and its first president was Samuel Gompers. By 1900, there were four-million members. This movement was bitterly opposed by captains of industry at that time, and many conflicts occurred. On April 20, 1914, the Ludlow Massacre occurred. This was one of the seminal days in American union history because John D. Rockefeller Jr., who at that time controlled almost one-third of the American economy, was opposed to the unionization of the mines in Colorado. The miners had been on strike and were living in tent cities. They were surrounded by the Colorado National Guard who shot into the tents, set them on fire and killed 21 people in the process. This ignited the American people, and the Labor Movement took off. When Samuel Gompers died in 1924, the American Federation of Labor had almost eight-million members. In 1935, there was a split, and John L. Lewis formed the Congress of Industrial Organizations, the CIO. By 1955, when those two organizations came back together, there were 15-million unionized American workers.

Why am I, a Republican, bringing this up? People I meet in the building often assume that because I wear a suit, I am a lawyer or other professional. I am, however, a high-school graduate, a licensed master plumber and have been in the trades for 40 years. Normally, if you were meeting me, I would be wearing a hardhat. At work I wear Carhartts, a yellow safety vest and steel-toed

boots because I am a high-school graduate, blue-collar worker. I have extensively benefitted in my lifetime from the work of the Labor Movement. We all take 40-hour workweeks for granted. There were people who died to provide things such as a 40-hour workweek, compensation if an employee was injured on the job, unemployment insurance, the elimination of child labor or mechanic's lien laws. I owe this to the American Labor Movement.

My father was a union bricklayer. My grandfather was a labor leader on the railroad in the Boilermaker's Union, and my great-grandfather was a plumber and pipefitter in Local 38 in San Francisco. I have an extensive union background. I am not a union member because the hard work of the unions has been codified. When the culinary people came to see me, I asked them about the Ludlow Massacre. They did not know about it, which is sad. I would like to say thank you to Samuel Gompers, John L. Lewis and even the socialist Eugene Debs. The work those men did to get us where we are today is something people in the blue-collar industry do not understand, appreciate or even know about.

I love our Founding Fathers and am appreciative of the people who went before me, ordinary people who worked with their hands and their backs not just their brains. They had to fight the captains of industry in America. That clash continues today, even in our own building. I want to tell them thank you, and thank you for the lifestyle a guy like me has been able to enjoy. Thank you for the protections I get to have as a worker. Thank you for being able to know that after 40 hours of work, I can be paid extra. My grandfather, the boilermaker, was on the railroad prior to unionization, his workweek was five, 10-hour days. If you worked more than that, they would pay you half-time on the railroad.

There are many who have gone before us and blazed the trail. We do not study history the way we should, and we take some things for granted. Thank you to the American Labor Movement for making my life and the life of those in the blue-collar trades better. Thank you to our Founding Fathers for setting up this amazing Country where people like me migrated, and people are still trying to enter this Country because of the immense and unlimited prosperity and opportunity America presents.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 2:18 p.m.

SENATE IN SESSION

At 4:51 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 177, 312, 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 7, 46, 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Senate Bill No. 224 be taken from the Secretary's desk and placed on the General File.

Motion carried.

Senator Settelmeyer moved that Senate Bill No. 433 be taken from the Secretary's desk and placed on the General File.

Motion carried.

Senator Denis moved that Senate Bill No. 469 be taken from the Secretary's desk and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 128.

SUMMARY—Revises provisions relating to the ~~[prohibition]~~ prohibitions against ~~[soliciting a child for prostitution,]~~ facilitating sex trafficking and pandering. (BDR 15-406)

AN ACT relating to crimes; revising the circumstances that constitute pandering; providing that a person who ~~[knowingly]~~ solicits a child ~~[who is less than 14 years of age for]~~ or another person who the person believes to be a child to engage in prostitution is guilty of facilitating sex trafficking; providing ~~[a penalty,]~~ penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law prohibits any person from engaging in prostitution or solicitation therefor except in a licensed house of prostitution. Existing law provides that a customer who violates such a prohibition by soliciting a child for prostitution is guilty: (1) for a first offense, of a category E felony; (2) for a second offense, of a category D felony; and (3) for a third or subsequent offense, of a category C felony. (NRS 201.354)]~~

~~This bill additionally provides that a customer who violates such a prohibition by knowingly soliciting a child who is less than 14 years of age for prostitution commits sex trafficking and is guilty of a category A felony. Such~~

~~a person is required to be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when the person has served a minimum of 15 years, and may be further punished by a fine of not more than \$20,000. In addition to increasing the penalty for such a crime, by providing that knowingly soliciting a child less than 14 years of age for prostitution constitutes sex trafficking, this bill has the following collateral consequences: (1) authorizing a victim to bring a civil action against any person who caused, was responsible for or profited from the crime (NRS 41.1399); (2) extending the period within which a criminal action must be commenced under certain circumstances (NRS 171.083, 171.085, 171.095); (3) authorizing a court to order the taking and use at trial of a videotaped deposition or testimony of a victim (NRS 174.227-174.229); (4) making any personal property and conveyances used in the commission of the crime subject to forfeiture (NRS 179.121); (5) authorizing application for a court order authorizing the interception of wire, electronic or oral communications to obtain evidence of such a crime (NRS 179.460); (6) making the crime constitute a "crime against a child" and a "sexual offense" for the purposes of registration and community notification pursuant to chapter 179D of NRS (NRS 179D.0357, 179D.097, 179D.115); (7) increasing the punishment for conspiracy to commit such a crime (NRS 199.480); (8) providing for the confidentiality of the identity of a victim (NRS 200.377-200.3774); (9) requiring the reporting of the crime to law enforcement by certain persons under certain circumstances (NRS 202.870-202.894); and (10) entitling the child to apply for compensation from the Fund for the Compensation of Victims of Crime (chapter 217 of NRS).]~~

Existing law establishes the circumstances in which a person is guilty of facilitating sex trafficking. (NRS 201.301) Section 2 of this bill additionally provides that a person is guilty of facilitating sex trafficking if he or she solicits a child or another person who the person believes to be a child, regardless of the actual age of the other person, to engage in prostitution. Section 5 of this bill makes conforming changes.

Existing law provides that a person found guilty of facilitating sex trafficking is guilty of a category B felony and, if the victim is less than 18 years of age, is required to be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years. (NRS 201.301) Section 2 imposes such a penalty on a person if the person believed the victim to be less than 18 years of age.

Section 2 provides that in the prosecution of a person for facilitating sex trafficking in which the person solicited a child or another person who the person believed to be a child: (1) unless the offense was committed in a licensed house of prostitution, it is not a defense that the person did not have knowledge of the victim's age; and (2) reasonable mistake of age is not a valid defense. Section 2 also provides that in such a prosecution, the State has the burden of establishing that a person who engaged in sexual conduct with a child in a licensed house of prostitution had knowledge of the victim's age

unless the person is an owner, operator, employee or contractor of the licensed house of prostitution, in which case there is a rebuttable presumption that such persons had knowledge of the victim's age.

Existing law provides that the Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute a person who commits the crimes of pandering, sex trafficking or living from the earnings of a prostitute. (NRS 201.345) Section 3 of this bill provides that the Attorney General also has such concurrent jurisdiction to prosecute a person who commits the crime of facilitating sex trafficking.

Existing law authorizes a court to impose additional fines in certain circumstances if a person is convicted of sex trafficking or living from the earnings of a prostitute. (NRS 201.352) Section 4 of this bill authorizes the imposition of such additional fines if a person is convicted of facilitating sex trafficking.

Existing law defines the term "crime related to racketeering" as the commission of, attempt to commit or conspiracy to commit certain crimes, including pandering, sex trafficking, living from the earnings of a prostitute or placing a person in a house of prostitution. (NRS 207.360) Section 6 of this bill additionally includes the crime of facilitating sex trafficking in such a definition.

Existing law provides that a person commits pandering and is guilty of a category C felony if the person, without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution. Existing law also provides that such provisions do not apply to the customer of a prostitute. (NRS 201.300) Section 1 of this bill specifies that such provisions do not apply to the customer of a prostitute in a licensed house of prostitution unless the customer believed that the prostitute was a child.

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

Section 1. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution is guilty of pandering which is a category C felony and shall be punished as provided in NRS 193.130. This subsection does not apply to the customer of a prostitute ~~or~~ in a licensed house of prostitution unless the customer believed that the prostitute was a child.

2. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any place within this

State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(2) Induces, recruits, harbors, transports, provides, obtains or maintains a person by any means, knowing, or in reckless disregard of the fact, that threats, violence, force, intimidation, fraud, duress or coercion will be used to cause the person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution;

(3) By threats, violence, force, intimidation, fraud, duress, coercion, by any device or scheme, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, induces, causes, compels or procures a person to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution; or

(4) Takes or detains a person with the intent to compel the person by force, violence, threats or duress to marry him or her or any other person.

(b) Who is found guilty of sex trafficking ~~is~~ *a victim who is:*

(1) An adult 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 3 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) A child:

(I) If the child is less than 14 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of not more than \$20,000.

(II) If the child is at least 14 years of age but less than 16 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.

(III) If the child is at least 16 years of age but less than 18 years of age when the offense is committed, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served, and may be further punished by a fine of not more than \$10,000.

3. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection 2.

4. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

5. In a prosecution for sex trafficking a child pursuant to subsection 2, it is not a defense that the defendant did not have knowledge of the victim's age,

nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection 2.

Sec. 2. NRS 201.301 is hereby amended to read as follows:

201.301 1. A person is guilty of facilitating sex trafficking if the person:

(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:

(1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720;

(b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:

(1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Soliciting a child who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720; ~~for~~

(c) Travels to or within this State by any means with the intent of engaging in:

(1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or

(2) Any act involving a child that is prohibited by NRS 200.710 or 200.720; ~~for~~; or

(d) Solicits a child, or another person who the person believes to be a child, regardless of the actual age of the other person, to engage in prostitution.

2. In a prosecution for facilitating sex trafficking pursuant to paragraph (d) of subsection 1:

(a) Unless the offense was committed in a licensed house of prostitution, it is not a defense that the defendant did not have knowledge of the victim's age.

(b) Reasonable mistake of age is not a valid defense.

(c) Except as otherwise provided in paragraph (d), the State has the burden of establishing that a person who engaged in sexual conduct with a child in a licensed house of prostitution had knowledge of the victim's age.

(d) There is a rebuttable presumption that any owner, operator, employee or contractor of a licensed house of prostitution who engaged in sexual

conduct with a child in the licensed house of prostitution had knowledge of the victim's age.

3. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:

(a) If the victim is 18 years of age or older, 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.

(b) If the victim is less than 18 years of age, or if the person who is found guilty of facilitating sex trafficking believed that the victim was less than 18 years of age, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.

Sec. 3. NRS 201.345 is hereby amended to read as follows:

201.345 1. The Attorney General has concurrent jurisdiction with the district attorneys of the counties in this State to prosecute any violation of NRS 201.300, 201.301 or 201.320.

2. When acting pursuant to this section, the Attorney General may commence an investigation and file a criminal action without leave of court and the Attorney General has exclusive charge of the conduct of the prosecution.

Sec. 4. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300 or NRS 201.301 or 201.320, the victim of the violation is a child when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of subsection 2 of NRS 201.300 or NRS 201.301 or 201.320, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300 or NRS 201.301 or 201.320, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300 or NRS 201.301 or 201.320 and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

~~Section 1.~~ Sec. 5. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. A prostitute who violates subsection 1 is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 5, a customer who violates subsection 1:

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than \$400.

(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$800.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$1,300.

4. In addition to any other penalty imposed, the court shall order a person who violates subsection 3 to pay a civil penalty of not less than \$200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A customer who violates subsection 1 ~~is~~
~~—(a) Except as otherwise provided in paragraph (b),~~ by soliciting a child for prostitution ~~is~~

~~—(a) (1) For a first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130, and by a fine of not more than \$5,000.~~

~~—(b) (2) For a second offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~—(c) (3) For a third or subsequent offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph. subparagraph.~~

~~—(b) By knowingly soliciting a child who is less than 14 years of age for prostitution is guilty of facilitating sex trafficking and shall be punished as provided in [sub-subparagraph (1) of subparagraph (2) of paragraph (b) of subsection 2 of] NRS [201.300.] 201.301.~~

6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

↳ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.

7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

Sec. 6. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;

5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;
12. Extortionate collection of debt in violation of NRS 205.322;
13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;
14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;
15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;
16. Any violation of NRS 199.280 which is punished as a felony;
17. Burglary;
18. Grand larceny;
19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;
20. Battery with intent to commit a crime in violation of NRS 200.400;
21. Assault with a deadly weapon;
22. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, except a violation of NRS 453.3393, or NRS 453.375 to 453.401, inclusive;
23. Receiving or transferring a stolen vehicle;
24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;
25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;
26. Receiving, possessing or withholding stolen goods valued at \$650 or more;
27. Embezzlement of money or property valued at \$650 or more;
28. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;
29. Perjury or subornation of perjury;
30. Offering false evidence;
31. Any violation of NRS 201.300, 201.301, 201.320 or 201.360;
32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;
33. Any violation of NRS 205.506, 205.920 or 205.930;
34. Any violation of NRS 202.445 or 202.446;
35. Any violation of NRS 205.377;
36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or

37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

~~[Sec. 2.]~~ Sec. 7. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

The amendment replaces the contents of the original bill with several provisions. Section 1 clarifies that elements of pandering and sex trafficking apply to victims across all ages. Section 2 defines soliciting a child as an act that facilitates sex trafficking, unless the customer engages in what he or she believes is a lawful act within a licensed brothel. Section 3 makes conforming changes to allow for additional fines for facilitating in the sex trafficking of a child. Section 4 makes a conforming change regarding soliciting a child for prostitution. Section 5 grants the Attorney General jurisdiction to prosecute the crime of facilitating sex trafficking. Section 6 adds facilitating sex trafficking to the criminal racketeering statute. Finally, the amendment resolves conflicts between this bill and current statute regarding sentences for the crimes of pandering and sex trafficking and ensures that sting operations conducted by officers posing as children can be prosecuted under this bill's provisions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 523.

SUMMARY—Revises provisions relating to the licensure of teachers and other educational personnel. (BDR 34-337)

AN ACT relating to education; revising provisions governing the membership of the Commission on Professional Standards in Education; eliminating the special qualifications license to teach; ~~creating a separate category of licensure for paraprofessionals;~~ revising provisions relating to the granting of additional licenses to teachers; revising provisions relating to applications for a license to be a teacher or other educational personnel; authorizing the Department of Education to require annual background checks of employees who have access to certain confidential information; revising provisions relating to the notification of employees whose licenses are near expiration; revising provisions governing the disclosure of certain information about licensed personnel; transferring certain authority relating to the suspension and revocation of licenses held by teachers and other educational personnel from the State Board of Education to the Commission on Professional Standards in Education and the Department of Education in certain circumstances; revising provisions related to the suspension or revocation of a license of any teacher, administrator or other licensed employee; establishing provisions relating to hearings conducted by the ~~Commission; repealing provisions authorizing the State Board to disapprove regulations adopted by the Commission;~~ State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Professional Standards in Education and provides that the Commission consists of eleven members who are appointed by the Governor, including two members who are administrators of schools who are employed by a school district or charter school to provide administrative service at an individual school. (NRS 391.011) Section 4.5 of this bill requires the Commission to include: (1) one member who is such an administrator; and (2) one member who is the superintendent of schools of a school district.

Existing law authorizes the Superintendent of Public Instruction to issue a special qualifications license, which authorizes a person who holds a postsecondary degree and meets certain other requirements to teach in designated grades and designated subject matters within the field of his or her degree. (NRS 391.019, 391.031, 391.033). Sections 5 and 8 of this bill eliminate this type of license. Sections 1, 6 and 12 of this bill make conforming changes.

Existing law requires the Commission on Professional Standards in Education to prescribe regulations for licensing teachers and other educational personnel. (NRS 391.019) Section 5 makes nonsubstantive changes to these provisions for clarification purposes by : (1) requiring a qualified provider to provide in-person or virtual supervised, school-based experiences; and (2) removing the specific examples of middle school or junior high school education and the endorsement to teach English as a second language.

Existing law requires the Commission to submit a report containing certain information to the State Board of Education and the Legislative Committee on Education on or before December 1 each year. (NRS 391.028) Section 7 of this bill ~~eliminates the requirement that the report be sent to the State Board and~~ changes the date of submission to on or before December 31.

~~Section 8 adds a license to perform all the duties of a paraprofessional as prescribed by the Commission to the kinds of licenses available for teachers and other educational personnel.~~

~~Existing law requires a paraprofessional working in a program supported with Title I money to possess certain requirements prescribed by the Department of Education to comply with federal law. (NRS 391.094, 391.100) Section 15 of this bill transfers the authority of prescribing such requirements for paraprofessionals from the Department to the Commission. Section 15 also transfers, from the State Board to the Commission, the duty to adopt regulations prescribing an examination to meet such requirements. Sections 2, 3, 17 and 19 of this bill make conforming changes.]~~

Existing law authorizes the Superintendent to issue to a teacher licensed to teach elementary education, middle school or junior high school education or secondary education an additional license to teach outside the teacher's grade level and experience if he or she meets the course requirements and qualifications for the license. (NRS 391.0315) Section 9 of this bill expands the teachers and licenses that qualify under this provision to include early

childhood education and requires that such teachers meet any competency testing requirements.

Existing law requires every applicant to be licensed as a teacher or other educational personnel to submit to a background investigation and requires a license to be issued if the information obtained as a result of the background investigation does not indicate that the applicant has committed certain types of conduct. (NRS 391.033) Section 10.5 of this bill provides that the following would result in a license not being issued: (1) an indication that there has been a substantiated report of abuse or neglect of a child; and (2) an indication that the applicant has a warrant for his or her arrest. Section 10.5 provides that if the information indicates that a substantiated report of child abuse or neglect exists against the applicant, the Superintendent shall: (1) suspend the application process; (2) notify the applicant of the substantiated report; and (3) provide the applicant with an opportunity to rebut the substantiated report.

Existing law requires teachers initially licensed on or after July 1, 2015, to complete a course in multicultural education meeting certain requirements prescribed by the Commission. (NRS 391.0347) Sections 11 and 29 of this bill instead apply this requirement to teachers initially licensed on or after July 1, 2019.

Existing law provides that certain information provided in an application for a license as a teacher or to perform other educational functions is confidential. (NRS 391.035) Section 11.5 of this bill authorizes the Department of Education to require an employee who has access to such confidential information to annually submit fingerprints and written authorization to forward such fingerprints to the Central Repository for Nevada Records of Criminal History. Section 11.5 further authorizes the Department to deny an employee access to confidential information provided in an application if the information obtained from the Central Repository indicates that the employee has been convicted of a felony or any offense involving moral turpitude.

Section 13 of this bill eliminates the requirement that the board of trustees for each school district must notify each licensed employee of the expiration date of his or her license not later than 6 months before the expiration date. Section 13 instead ~~authorizes~~ requires the Department to notify licensed personnel whose license is within 9 months of expiring of the date on which the license will expire.

~~{Section} Upon the request of a parent or legal guardian of a pupil who is enrolled in a public school, section 16 of this bill requires {that certain information regarding the professional qualifications of any licensed employee of a public school be made available to parents and guardians, and authorizes such information to be made available to the general public.~~

~~Existing law provides that if the Superintendent determines there is a teacher shortage, he or she must submit a report to the Commission and the State Board. Section 18 of this bill requires that such a report be sent only to the Commission.~~

~~Sections 20-28 of this bill transfer the authority to suspend or revoke the license of a teacher from the State Board to the Commission and, in certain limited circumstances involving the nonpayment of child support and certain criminal convictions, to the Department.} the board of trustees of the school district in which the school is located or the governing body of a charter school to provide to the parent or guardian information regarding the professional qualifications of any licensed employee of the public school in which the pupil is enrolled. Section 16 additionally requires that such information include the competency examinations passed by the teacher.~~

~~Existing law requires that certain notice be given to a licensee before the revocation or suspension of his or her license and that the licensee be given the opportunity for a hearing. (NRS 391.322) Section 23 of this bill revises the provisions relating to the recommendation to suspend or revoke a license when the Department receives notice of certain convictions. Section 25 authorizes the State Board to issue a letter of reprimand to any teacher, administrator or licensed employee upon receiving notice of certain types of conduct. Section 27 of this bill adds requirements for the rules of procedure of such hearings, } and revises provisions related to the parties that will bear certain costs of such hearings. } and transfers the duty to adopt rules of procedure for the conduct of such hearings from the State Board to the Commission. Sections 4 and 14 of this bill make conforming changes.~~

~~Section 29 of this bill repeals a provision authorizing the State Board to disapprove regulations adopted by the Commission. Section 10 of this bill makes a conforming change.}~~

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

Section 1. NRS 385.635 is hereby amended to read as follows:

385.635 1. The Office of Parental Involvement and Family Engagement created by NRS 385.630 shall:

(a) Review and evaluate the programs implemented by the school districts and public schools, including, without limitation, programs which are supported in part with money received from the Federal Government, for carrying out and increasing parental involvement and family engagement in the public schools. The review and evaluation must include an identification of current strategies and practices for effective parental involvement and family engagement.

(b) Develop a list of practices which have been proven effective in increasing the involvement of parents and the engagement of families in the education of their children, including, without limitation, practices that increase the ability of school districts and public schools to effectively reengage parents and families and provide those parents and families with the skills and resources necessary to support the academic achievement of their children.

(c) Work in cooperation with the Statewide Council for the Coordination of the Regional Training Programs in carrying out the duties of the Office,

including, without limitation, the establishment of a statewide training program concerning parental involvement and family engagement required pursuant to NRS 391A.135.

(d) Provide information to the school districts and public schools on the availability of competitive grants for programs which offer:

(1) Professional development for educational personnel on practices to reengage disengaged parents and families in the education of their children;

(2) Training for parents and families in skills of leadership and volunteerism;

(3) Family literacy training;

(4) Home visitation programs to encourage the involvement of parents and the engagement of families in the education of their children; and

(5) Other innovative programs that are designed to increase the involvement of parents and the engagement of families in the academic achievement of their children.

(e) Provide support to those school districts which have established an advisory council on parental involvement and family engagement pursuant to NRS 385.625 and encourage those school districts which have not established such an advisory council to consider creating an advisory council for the school district.

(f) Build the capacity of public schools to work in collaboration with parents to establish policies for the involvement of parents and the engagement of families, including, without limitation, policies that focus on partnerships between public schools and the parents and families of children enrolled in public schools and the empowerment of parents and families in support of the education of their children.

(g) Work in cooperation with the Commission on Professional Standards in Education in developing the regulations required by paragraph ~~[(k)]~~ (g) of subsection 1 of NRS 391.019 and monitoring the implementation of those regulations.

(h) Establish, in collaboration with the State Board, guidelines to assist parents and families in helping their children achieve the standards of content and performance adopted by the State Board pursuant to NRS 389.520.

(i) Collaborate with the Nevada State Parent Information and Resource Center, the Parent Training and Information Centers, the Nevada Parent Teacher Association, the Advisory Council and the teachers who are trained to serve as liaisons to parents and legal guardians of pupils enrolled in public schools to plan and implement a statewide summit on parental involvement and family engagement, which must be held at least biennially. After each summit, the Office of Parental Involvement and Family Engagement shall evaluate the success of the summit in consultation with the entities identified in this paragraph.

(j) Assist each school district and the public schools within the school district with incorporating strategies and practices for effective parental

involvement and family engagement into the plans to improve the achievement of pupils prepared by the public schools pursuant to NRS 385A.650.

(k) Work in partnership with the Advisory Council to:

(1) Review and evaluate the annual reports of accountability prepared by the board of trustees of each school district pursuant to NRS 385A.070 relating to parental involvement and family engagement in the school districts and public schools;

(2) Review and evaluate the plans to improve the achievement of pupils prepared by each public school pursuant to NRS 385A.650 relating to the strategies and practices for effective parental involvement and family engagement incorporated into the plans; and

(3) Review the status of the implementation of the provisions of this section and the effectiveness of the Office in carrying out the duties prescribed in this section.

2. On or before August 1 of each year, the Office of Parental Involvement and Family Engagement shall prepare a report which includes a summary of the:

(a) Status of the progress made by the school districts and public schools in effectively involving parents and engaging families in the education of their children and an identification of any areas where further improvement is needed; and

(b) Activities of the Office during the immediately preceding school year, including the progress made by the Office, in consultation with the Advisory Council, in assisting the school districts and public schools with increasing the effectiveness of involving parents and engaging families in the education of their children.

3. The Department shall post on its Internet website:

(a) The list of practices developed by the Office of Parental Involvement and Family Engagement pursuant to paragraph (b) of subsection 1;

(b) The report prepared by the Office pursuant to subsection 2; and

(c) Any other information that the Office finds useful for the school districts, public schools, parents, families and general public relating to effective parental involvement and family engagement.

Sec. 2. ~~NRS 385A.230 is hereby amended to read as follows:~~

~~385A.230 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on teachers, other licensed educational personnel and paraprofessionals, including, without limitation:~~

~~(a) Information on the professional qualifications of teachers and other licensed educational personnel employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:~~

~~(1) The total number of:~~

~~(i) Teachers and other licensed educational personnel employed at each school;~~

~~———— (II) Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full time basis, as determined by the Commission on Professional Standards in Education;~~

~~———— (III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;~~

~~———— (IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and~~

~~———— (V) Employees at each school whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system.~~

~~———— (2) The percentage of:~~

~~———— (I) Teachers and other licensed educational personnel employed by the school district who are employed at each school;~~

~~———— (II) Vacancies at each school which are not filled by a teacher who has a contract to teach at the school on a full time basis, as determined by the Commission on Professional Standards in Education;~~

~~———— (III) Teachers and other licensed educational personnel employed at each school who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement;~~

~~———— (IV) Teachers and other licensed educational personnel employed at each school who are inexperienced, as defined by the Commission on Professional Standards in Education; and~~

~~———— (V) Employees at each school whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system.~~

~~———— (3) For each middle school, junior high school and high school:~~

~~———— (I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long term substitute teachers, including the total number of days long term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~———— (II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short term substitute teachers, including the total number of days short term substitute teachers were employed at each school, identified by grade level and subject area.~~

~~———— (4) For each elementary school:~~

~~———— (I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long term substitute teachers, including the total number of days long term substitute teachers were employed at each school, identified by grade level; and~~

~~(H) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short term substitute teachers, including the total number of days short term substitute teachers were employed at each school, identified by grade level.~~

~~(b) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The records of attendance maintained by a school for purposes of this paragraph must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:~~

~~(1) Acquisition of knowledge or skills relating to the professional development of the teacher; or~~

~~(2) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.~~

~~(c) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:~~

~~(1) The number of paraprofessionals employed at the school;~~

~~(2) The number of paraprofessionals employed at the school who do not satisfy the requirements prescribed by the [Department] *Commission on Professional Standards in Education* to comply with 20 U.S.C. § 6311(g)(2)(M);~~

~~(3) The percentage of paraprofessionals employed by the school district who do not satisfy the requirements prescribed by the [Department] *Commission on Professional Standards in Education* to comply with 20 U.S.C. § 6311(g)(2)(M) who are employed at the school; and~~

~~(4) Any other information required by regulation of the State Board.~~

~~2. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.} (Deleted by amendment.)~~

Sec. 3. ~~[NRS 385A.440 is hereby amended to read as follows:~~

~~385A.440 1. The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on teachers, other licensed personnel and paraprofessionals, including, without limitation:~~

~~(a) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers and other licensed educational personnel employed by the school districts and charter schools, including, without limitation:~~

~~(1) The total number of:~~

~~(I) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole;~~

~~———— (II) Vacancies at each school district, including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the Commission on Professional Standards in Education and for this State as a whole;~~

~~———— (III) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who provide instruction in a grade level or subject area for which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;~~

~~———— (IV) Teachers or other licensed educational personnel who are inexperienced, as defined by the Commission on Professional Standards in Education, employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole; and~~

~~———— (V) Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system, and for this State as a whole.~~

~~———— (2) The percentage of:~~

~~———— (I) Teachers and other licensed educational personnel employed in this State who are employed by each school district, including, without limitation, each charter school in the district, and for this State as a whole;~~

~~———— (II) Vacancies at each school district including, without limitation, each charter school in the district, which are not filled by a teacher who has a contract to teach on a full-time basis, as determined by the Commission on Professional Standards in Education, and for this State as a whole;~~

~~———— (III) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who provide instruction in a grade level or subject area in which they do not meet the requirements for licensure or do not hold a required endorsement, and for this State as a whole;~~

~~———— (IV) Teachers and other licensed educational personnel employed by each school district, including, without limitation, each charter school in the district, who are inexperienced, as defined by the Commission on Professional Standards in Education, and for this State as a whole; and~~

~~———— (V) Employees at each school district, including, without limitation, each charter school in the district, whose overall performance was determined to be highly effective, effective, developing or ineffective under the statewide performance evaluation system, and for this State as a whole.~~

~~———— (3) For each middle school, junior high school and high school:~~

~~———— (I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and~~

~~—(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short term substitute teachers, including the total number of days short term substitute teachers were employed at each school, identified by grade level and subject area.~~

~~—(4) For each elementary school:~~

~~—(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long term substitute teachers, including the total number of days long term substitute teachers were employed at each school, identified by grade level; and~~

~~—(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short term substitute teachers, including the total number of days short term substitute teachers were employed at each school, identified by grade level.~~

~~—(b) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.~~

~~—(c) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:~~

~~—(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole;~~

~~—(2) The number of paraprofessional employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the [Department] *Commission on Professional Standards in Education* to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole;~~

~~—(3) The percentage of paraprofessionals employed by each school district, including, without limitation, each charter school in the district, who do not satisfy the requirements prescribed by the [Department] *Commission on Professional Standards in Education* to comply with 20 U.S.C. § 6311(g)(2)(M), and for this State as a whole; and~~

~~—(4) Any other information required by regulation of the State Board.~~

~~2. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008. (Deleted by amendment.)~~

Sec. 4. [NRS 388.1354 is hereby amended to read as follows:

~~388.1354 If an administrator or his or her designee knowingly and willfully fails to comply with the provisions of NRS 388.1351, the superintendent of the school district or governing body, as applicable, or the designee of either:~~

~~1. Shall take disciplinary action against the employee by written admonishment, demotion, suspension, dismissal or refusal to reemploy; and~~

~~2. If the employee is the holder of a license issued pursuant to chapter 391 of NRS, may recommend to the governing body that the governing body~~

~~submit a recommendation to the [State Board] Commission on Professional Standards in Education for the suspension or revocation of the license.~~
(Deleted by amendment.)

Sec. 4.5. NRS 391.011 is hereby amended to read as follows:

391.011 1. The Commission on Professional Standards in Education, consisting of eleven members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) ~~Two administrators of schools who are~~ One administrator of a school who is employed by a school district or charter school to provide administrative service at an individual school. Such ~~administrators~~ an administrator must not provide service at the district level.

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

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

(e) One member who has expertise and experience in the operation of a business.

(f) One member who is the superintendent of schools of a school district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons ~~[for each position]~~ that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) Paragraph (d) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.

Sec. 5. NRS 391.019 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Provide instruction or other educational services; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~↪ An applicant for licensure pursuant to this paragraph is exempt from each examination required by subsection 1 of NRS 391.021 if the applicant successfully passed the examination in another state.~~

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

~~{(4)} (h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.~~

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

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

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

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

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

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

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

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

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

Sec. 6. NRS 391.021 is hereby amended to read as follows:

391.021 ~~Except as otherwise provided in [paragraph (j) of subsection 1 of NRS 391.019 and] NRS 391.027, the ~~the~~~~ Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 7. NRS 391.028 is hereby amended to read as follows:

391.028 On or before December ~~[[~~ 31 of each year, the Commission shall submit a written report to the State Board and the Legislative Committee on Education. The report must include, without limitation:

1. A summary of the regulations adopted by the Commission and the status of those regulations;

2. A work plan which designates the proposed activities of the Commission during the next year; and

3. A description of the progress and status of each regulation relating to the licensure of educational personnel which the Commission is required to adopt pursuant to a legislative measure enacted within the two previous regular sessions of the Legislature or any special session of the Legislature occurring within that time. If the Commission has not adopted a required regulation, the Commission shall include in the report a detailed explanation describing the reasons each regulation was not adopted.

Sec. 8. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach pupils in a program of early childhood education, which authorizes the holder to teach in any program of early childhood education in the State.

2. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

3. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

5. A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.

6. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

~~7. A special license, designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to paragraph (g) or (j) of subsection 1 of NRS 391.019. perform all the duties of a paraprofessional as may be prescribed by the Commission.~~

Sec. 9. NRS 391.0315 is hereby amended to read as follows:

391.0315 1. A person licensed to teach *early childhood education*, elementary education, middle school or junior high school education or secondary education in this State may apply for and the Superintendent of Public Instruction may issue to that person an additional license to teach *early childhood education*, elementary education, middle school or junior high school education or secondary education, other than for teaching pupils with disabilities, which is outside the person's grade level of experience if the applicant meets the course work requirements , *competency testing requirements* and qualifications for the license.

2. A licensed teacher who applies for an additional license pursuant to this section must not be required to participate in a program of student teaching as a condition for the issuance of the additional license if the applicant has 3 years of verified teaching experience.

Sec. 10. ~~NRS 391.032 is hereby amended to read as follows:~~

~~391.032 1. [Except as otherwise provided in NRS 391.027, the] The Commission shall:~~

~~(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.~~

~~(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.~~

~~2. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued. (Deleted by amendment.)~~

Sec. 10.5. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application:

(a) A complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the license pursuant to subsection 8 of NRS 179A.075, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; and

(b) Written authorization for the Superintendent to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

4. In conducting an investigation into the background of an applicant for a license, the Superintendent may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant.

5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

6. Except as otherwise provided in subsection 7, a license must be issued to, or renewed for, as applicable, an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The information obtained by the Superintendent pursuant to subsections 3 and 4:

(1) Does not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude ~~for~~

~~(2) Indicates~~ or indicates that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied or for which he or she is currently employed, as applicable; ~~and~~

(2) Does not indicate that there has been a substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against the applicant in any state; and

(3) Does not indicate that the applicant has a warrant for his or her arrest; and

(c) For initial licensure, the applicant submits the statement required pursuant to NRS 391.034.

7. If, pursuant to subparagraph (2) of paragraph (b) of subsection 6, the information indicates that a substantiated report has been made against the applicant in any state, the Superintendent shall:

(a) Suspend the application process;

(b) Notify the applicant of the substantiated report; and

(c) Provide the applicant an opportunity to rebut the substantiated report.

8. The Superintendent may deny an application for a license pursuant to this section if ~~he~~:

(a) A report on the criminal history of the applicant from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History indicates that the applicant has been arrested for or charged with a sexual offense involving a minor or pupil, including, without limitation, any attempt, solicitation or conspiracy to commit such an offense ~~for~~

~~8.~~ ; and

(b) The Superintendent ~~for his or her designee may deny the application for a license after providing written~~ provides to the applicant:

(1) Written notice of his or her intent to deny the application; ~~to the applicant~~ and ~~providing an~~

(2) An opportunity for the applicant to have a hearing.

9. To request a hearing pursuant to subsection 8, an applicant must submit a written request to the Superintendent within 15 days after receipt of the notice by the applicant. Such a hearing must be conducted in accordance with regulations adopted by the State Board. If no request for a hearing is filed within that time, the Superintendent may deny the license.

10. If the Superintendent denies an application for a license pursuant to this section, the Superintendent must, within 15 days after the date on which the application is denied, provide notice of the denial to the school district or charter school that employs the applicant if the applicant is employed by a school district or charter school. Such a notice must not state the reasons for denial.

11. The Department shall:

- (a) Maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor;
- (b) Update the list maintained pursuant to paragraph (a) monthly; and
- (c) Provide this list to the board of trustees of a school district or the governing body of a charter school upon request.

12. The Superintendent shall forward all information obtained from an investigation of an applicant pursuant to subsections 3 and 4 to the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. Except as otherwise provided in this section, any information shared with the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school is confidential and must not be disclosed to any person other than the applicant. The board of trustees, governing body or administrator, as applicable, may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

- (a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring or termination; and
- (b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

13. The Superintendent, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the administrator of a private school may not be held liable for damages resulting from any action of the Superintendent, board of trustees, governing body or administrator, as applicable, authorized by subsection 4 or 12.

14. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 11. NRS 391.0347 is hereby amended to read as follows:

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, ~~{2015,}~~ 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

- (a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;
- (b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; and

(c) As otherwise necessary to carry out the requirements of this section.

Sec. 11.5. NRS 391.035 is hereby amended to read as follows:

391.035 1. Except as otherwise provided in NRS 239.0115 and 391.033, an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

(a) The applicant's health records;

(b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History or information from the Statewide Central Registry or any equivalent registry maintained by a governmental agency in another jurisdiction;

(c) Transcripts of the applicant's records at colleges or other educational institutions;

(d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;

(e) Any correspondence concerning the application; and

(f) Any other personal information,

↪ are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 8 of NRS 179A.075 or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

4. The Department may annually require any employee of the Department who has access to information contained within an application or any related document to submit to the Department:

(a) A complete set of his or her fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the employee and for submission to the Federal Bureau of Investigation for its report on the criminal history of the employee; and

(b) Written authorization for the Department to obtain any information concerning the applicant that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant has resided within the immediately preceding 5 years.

5. If the information obtained by the Department pursuant to subsection 4 indicates that the employee has been convicted of a felony or any offense involving moral turpitude, the Department may take such action, as determined by the Department, to deny that employee access to information contained within an application or any related document.

Sec. 12. NRS 391.037 is hereby amended to read as follows:

391.037 1. The Commission shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a

teacher or administrator or to perform other educational functions. The regulations prescribed pursuant to this paragraph must include, without limitation, training on how to identify a pupil who is at risk for dyslexia or related disorders.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (1) of paragraph (a) ~~for paragraph (g) or (j)~~ of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the Commission pursuant to subsection 1.

Sec. 13. NRS 391.042 is hereby amended to read as follows:

391.042 1. The Department shall:

(a) Maintain a directory of the name of each person who holds a license issued pursuant to this chapter and the date on which his or her license expires; ~~and~~

(b) Make the directory readily available to licensed educational personnel and to the general public on the Internet website maintained by the Department ~~;~~ and

(c) Provide to the board of trustees of ~~each~~ a school district, ~~at the end of each calendar month,~~ upon the request of the board of trustees or upon the request of the human resources office of a school or school district acting on behalf of the board of trustees, an electronic file with a list of each licensed employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month.

2. ~~The [board of trustees of a school district shall notify each licensed employee identified in the list received pursuant to paragraph (c) of subsection 1 of the date on which his or her license will expire. The notice must be provided not later than 6 months before the date of expiration of the license.] Department ~~may~~ shall notify in writing each person who holds a license pursuant to this chapter whose license is within 9 months of expiring of the date on which his or her license will expire.~~

Sec. 14. ~~NRS 391.055 is hereby amended to read as follows:~~

~~391.055 1. The Department shall adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to this chapter. The procedure must include, without limitation:~~

~~(a) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of the arrest of a person who is licensed pursuant to this chapter if:~~

~~(1) The act for which the licensee is arrested;~~

~~(I) May be a ground for the suspension or revocation of the person's license pursuant to NRS 391.330; and~~

~~(H) Is not excluded by the Department from the notification requirements of this section; and~~

~~(2) The school district or charter school has knowledge of that arrest.~~

~~(b) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of:~~

~~(1) Each action, if any, taken against the licensee by the school district or charter school after the arrest; and~~

~~(2) The conviction of the licensee, if the licensee is convicted of the act for which he or she was arrested;~~

~~(c) The steps that the Department must follow in response to the receipt of notice pursuant to this section, including, without limitation, the preparation of a separate file on the licensee for the documentation and monitoring of the status of the case.~~

~~2. Each file that is maintained on a licensee pursuant to subsection 1 must include, without limitation:~~

~~(a) The date on which the person was arrested and the date on which the Department received notice of the arrest from the school district or charter school;~~

~~(b) The reason why the licensee was arrested;~~

~~(c) The steps taken by the Department in response to all notices received by the Department from a school district or charter school pursuant to subsection 1;~~

~~(d) An indication whether the case was referred to the Attorney General's office for review and the date of the referral, if any;~~

~~(e) An indication whether the Superintendent of Public Instruction has presented the case to the [State Board] Commission for action and the type of action recommended by the Superintendent, if any;~~

~~(f) A description of any action taken by the [State Board] Commission against the licensee and the reason for that action or, if no action is taken by the [State Board,] Commission, the reason for the inaction; and~~

~~(g) The final resolution of the case and the date of resolution.~~

~~3. [If] Except as otherwise provided in subsection 1, if the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the Superintendent of Public Instruction shall immediately recommend that the [State Board] Commission proceed in accordance with the provisions of NRS 391.320 to 391.361, inclusive.~~

~~4. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license pursuant to subsection 4 or 5 of NRS 391.330, the Department shall proceed in accordance with the provisions of subsection 6 of NRS 391.322.~~

~~5. If the Department maintains a file on a licensee pursuant to this section and the [State Board] Commission determines that there is not sufficient evidence to suspend or revoke the license, the file and any related documents must not be made a part of that licensee's permanent employment record.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 391.094 is hereby amended to read as follows:~~

~~391.094 1. The [State Board] Commission shall prescribe by regulation [at least one examination for those] professional standards for paraprofessionals [who desire to satisfy the requirements prescribed by the Department] to comply with 20 U.S.C. § 6311(g)(2)(M).~~

~~2. The Commission shall prescribe by regulation at least one examination for those paraprofessionals who desire to satisfy the professional standards prescribed by the Commission pursuant to subsection 1. The regulations must include the passing score required to demonstrate satisfaction of those requirements.] (Deleted by amendment.)~~

Sec. 16. NRS 391.097 is hereby amended to read as follows:

391.097 1. Upon the request of a parent or legal guardian of a pupil who is enrolled in a public school, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall provide to the parent or guardian information regarding the professional qualifications of ~~[the pupil's teachers.]~~ any licensed employee of the public school in which the pupil is enrolled. The State Board shall prescribe the time by which such information must be provided after receipt of the request by the school district or charter school. The information provided must include, without limitation:

(a) For each teacher who provides instruction to the pupil:

(1) Whether the teacher holds a license for the grade level and subject area in which the teacher provides instruction;

(2) Whether the teacher is:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teacher is employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teacher is employed; ~~and]~~

(3) The degree held by the teacher and any other graduate certification or degree held by the teacher, including, without limitation, the field in which each degree or certification was obtained; and

(4) ~~The [results of any] competency examinations [completed] passed by the teacher; and~~

(b) If a paraprofessional, as defined in NRS 391.008, provides services to the pupil, the qualifications of the paraprofessional.

~~2. [The Department may make any of the information required to be provided to a parent or guardian pursuant to subsection 1 available to the general public and may publish such information on its Internet website.]~~

~~3.7~~ At the beginning of each school year, the board of trustees of each school district and the governing body of each charter school shall provide written notice to the parents and guardians of each pupil enrolled in a school within the school district or enrolled in the charter school, as applicable, that a parent or guardian may request information pursuant to subsection 1. The State Board shall prescribe the date by which the notice required by this subsection must be provided.

3. ~~4.7~~ The information required pursuant to subsection 1 and the notice required pursuant to subsection 2 ~~3.7~~ must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

Sec. 17. ~~[NRS 391.100 is hereby amended to read as follows:~~

~~391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.~~

~~2. The board of trustees of a school district:~~

~~(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is employed as a paraprofessional by a school district to work in a program supported with Title I money must [possess] satisfy the [requirements] professional standards prescribed by the [State Board] Commission pursuant to NRS 391.094.~~

~~(b) Shall establish policies governing the duties and performance of teacher aides.] (Deleted by amendment.)~~

Sec. 18. ~~[NRS 391.125 is hereby amended to read as follows:~~

~~391.125 1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may, on or before September 1 of the school year in which such a determination is made, submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers at a public school within the school district. The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 3 school years to teach in that subject area at a public school within the school district.~~

~~2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission [and the State Board] that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission [and the State Board] shall consider whether to adopt revisions to the requirements for an~~

~~endorsement in that subject area to address the shortage of teachers.] (Deleted by amendment.)~~

~~Sec. 19. [NRS 391.273 is hereby amended to read as follows:~~

~~391.273 1. Except as otherwise provided in this section and except for persons who are supervised pursuant to NRS 391.096, the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.~~

~~2. Unlicensed personnel who are exempted pursuant to subsection 4, 5 or 6 must be under administrative supervision when performing any duties which are instructional in nature.~~

~~3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.~~

~~4. Except as otherwise provided in subsection 7, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 pursuant to subsection 5 or 6.~~

~~5. Except as otherwise provided in subsection 6, the Superintendent shall not grant an exemption from the provisions of subsection 1 unless:~~

~~(a) The duties are within the employee's special expertise or training;~~

~~(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;~~

~~(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;~~

~~(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and~~

~~(e) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.~~

~~6. Upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 if:~~

~~(a) The duties of the unlicensed employee relate to the supervision of pupils attending a course of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, while the pupils are receiving instruction from a licensed employee remotely through any electronic means of communication; and~~

~~(b) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.~~

~~7. The exemption authorized by subsection 4, 5 or 6 does not apply to a paraprofessional if the [requirements] *professional standards* prescribed by the [State Board] *Commission* pursuant to NRS 391.094 require the paraprofessional to be directly supervised by a licensed teacher.~~

~~8. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:~~

~~(a) The name of the exempt employee;~~

~~(b) The specific instructional duties the exempt employee may perform;~~

~~(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and~~

~~(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.~~

~~9. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.~~

~~10. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.~~

~~11. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 10, the Superintendent shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:~~

~~(a) The number of days on which the violation occurred;~~

~~(b) The number of pupils in the classroom taught by the teacher's aide; and~~

~~(c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.122.~~

~~12. Except as otherwise provided in this subsection, a person employed as a teacher's aide or paraprofessional may monitor pupils in a computer laboratory without being directly supervised by licensed personnel. The provisions of this subsection do not apply to a paraprofessional if the [requirements] *professional standards* prescribed by the [State Board] *Commission* pursuant to NRS 391.094 require the paraprofessional to be directly supervised by a licensed teacher.~~

~~13. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the [requirements] *professional standards* prescribed by the [State Board] *Commission* pursuant to NRS 391.094.] (Deleted by amendment.)~~

Sec. 20. ~~[NRS 391.3015 is hereby amended to read as follows:~~

~~391.3015 1. Except as otherwise provided by subsection 3, if the license of an employee lapses during a time that school is in session:~~

~~—(a) The school district that employs him or her shall provide written notice to the employee of the lapse of the employee's license and of the provisions of this section;~~

~~—(b) The employee must not be suspended from employment for the lapsed license for a period of 90 days after the date of the notice pursuant to paragraph (a) or the end of the school year, whichever is longer; and~~

~~—(c) The employee's license shall be deemed valid for the period described in paragraph (b) for purposes of the employee's continued employment with the school district during that period.~~

~~—2. If a school district complies with subsection 1 and an employee fails to reinstate his or her license within the time prescribed in paragraph (b) of subsection 1, his or her employment shall be deemed terminated at the end of the period described in paragraph (b) of subsection 1 and the school district is not otherwise required to comply with NRS 391.301 to 391.309, inclusive.~~

~~—3. The provisions of this section do not apply to an employee whose:~~

~~—(a) License has been suspended or revoked by the [State Board] Department or the Commission pursuant to NRS 391.320 to 391.361, inclusive; or~~

~~—(b) Application for renewal was denied by the Superintendent of Public Instruction pursuant to NRS 391.033. (Deleted by amendment.)~~

Sec. 21. ~~[NRS 391.320 is hereby amended to read as follows:~~

~~—391.320 1. The [State Board of Education] Commission may suspend or revoke the license of any teacher for any cause specified by law.~~

~~—2. The Department may suspend or revoke the license of any teacher for a conviction of an act which is a ground for suspension or revocation pursuant to subsection 4 or 5 of NRS 391.330. (Deleted by amendment.)~~

Sec. 22. ~~[NRS 391.321 is hereby amended to read as follows:~~

~~—391.321 1. If the [State Board] Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the [State Board] Department shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the [State Board] Department receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~—2. The [State Board] Department shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if the [State Board] Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560. (Deleted by amendment.)~~

Sec. 23. NRS 391.322 is hereby amended to read as follows:

391.322 1. If the board of trustees of a school district, *the governing body of a charter school* or the Superintendent of Public Instruction or the Superintendent's designee submits a recommendation to the State Board ~~[Commission]~~ for the suspension or revocation of a license issued pursuant to this chapter, the State Board ~~[Commission]~~ shall ~~[give]~~ *send* written notice of the recommendation to the person to whom the license has been issued ~~[]~~ *at the address on file with the Department.*

2. A notice given pursuant to subsection 1 must contain:

(a) A statement of the charge upon which the recommendation is based;

(b) A copy of the recommendation received by the State Board; ~~[Commission];~~

(c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and

(d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction ~~[, or with the Department if the Department provided notice pursuant to subsection 6,]~~ within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction ~~[for the Department]~~ shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction ~~[for the Department, as applicable,]~~ shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction ~~[for the Department, as applicable,]~~ shall strike the first name.

5. Except as otherwise provided in subsection 6, if no request for a hearing is filed within the time specified in subsection 3, the State Board ~~[Commission]~~ may suspend or revoke the license or take no action on the recommendation.

6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license ~~[pursuant to subsection 4 or 5 of NRS 391.330,]~~ the State Board shall immediately process the recommendation in accordance with the provisions of NRS 391.320 to 391.361, inclusive. ~~[Department may suspend or revoke the license. Before suspending or revoking the license, the Department shall send written notice to the licensee at the address on file with the Department. Such notice must contain a statement of the charge on which the contemplated action is based and the statements described in paragraphs (c) and (d) of subsection 2.]~~ If no request for a hearing is filed

within the time specified in subsection 3, the State Board ~~Department~~ may accept, reject or modify the recommendation. ~~Immediately suspend or revoke the license or recommend that the Commission proceed in accordance with the provisions of NRS 391.320 to 391.361, inclusive.~~

Sec. 24. ~~[NRS 391.323 is hereby amended to read as follows:~~

~~391.323 1. Unless the parties agree to a later date, within 30 days after the selection of a hearing officer pursuant to NRS 391.322, the hearing officer shall conduct a hearing. Within 15 days after the conclusion of the hearing, the hearing officer shall prepare and file with the Superintendent of Public Instruction or the Department, as applicable, a report containing:~~

~~(a) A recommendation as to whether the license of the licensee should be suspended or revoked; and~~

~~(b) Findings of fact and conclusions of law which support the recommendation.~~

~~2. The [State Board] Commission may accept or reject the recommendation or refer the report back to the hearing officer for further evidence and recommendation, and shall notify the teacher, administrator or other licensed employee in writing of its decision. The decision of the [State Board] Commission is a final decision in a contested case. (Deleted by amendment.)~~

Sec. 25. NRS 391.330 is hereby amended to read as follows:

391.330 1. ~~The State Board~~ ~~Commission~~ may suspend or revoke the license of any teacher, administrator or other licensed employee, or may issue a letter of reprimand to any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

~~1. Immoral or unprofessional~~

(a) Unprofessional conduct.

~~2.~~ (b) Immorality, as defined in NRS 391.650.

(c) Evident unfitness for service.

~~3.~~ (d) Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

~~4.~~ (e) Conviction of a felony or crime involving moral turpitude.

~~5.~~ (f) Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.

~~6.~~ (g) Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

~~7.~~ (h) Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

~~8.~~ (i) Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to NRS 390.105

and the college and career readiness assessment administered pursuant to NRS 390.610.

~~99~~ (j) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to NRS 390.270 or 390.275.

~~100~~ (k) An intentional violation of NRS 388.497 or 388.499.

~~111~~ (l) Knowingly and willfully failing to comply with the provisions of NRS 388.1351.

(m) A substantiated report of abuse or neglect of a child, as defined in NRS 432B.020, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made against the applicant in any state.

2. The State Board shall adopt regulations governing the process by which a letter of reprimand may be issued to a teacher, administrator or other licensed employee pursuant to this section, including, without limitation, regulations concerning the time period during which a letter of reprimand will remain on the record of the teacher, administrator or other licensed employee.

3. A teacher, administrator or other licensed employee whose license is suspended pursuant to this section:

(a) May apply to reinstate his or her license after the period of suspension, as determined by the State Board, is completed; and

(b) If he or she applies to reinstate his or her license pursuant to paragraph (a), shall:

(1) Submit a new application for licensure to the Department; and

(2) Pay the appropriate fee for licensure.

4. A teacher, administrator or other licensed employee whose license is revoked may not apply to reinstate his or her license and the Department shall not grant a new license to such a person.

Sec. 26. ~~NRS 391.350 is hereby amended to read as follows:~~

~~391.350 1. Any teacher or other licensed employee employed by any board for a specified time who willfully refuses or fails to fulfill his or her employment obligations after the employee has notified the board of his or her acceptance of employment under subsection 4 of NRS 391.810 or subsection 4 of NRS 391.820 or to comply with the provisions of his or her contract after it has been signed without first obtaining the written consent of the board may be found guilty of unprofessional conduct. The board shall not unreasonably withhold its consent.~~

~~2. Any administrator who willfully secures the signature on a statement of intent to accept employment of any teacher or other licensed employee who has notified the board of another school district in this State of his or her acceptance of employment is guilty of unprofessional conduct, unless the employee has first obtained the written consent of the board to which he or she has given notice of acceptance. If the failure or refusal to comply with the provisions of the contract is the result of having subsequently executed an employment contract with another board in this State without the written consent of the board first employing him or her, the second contract is void.~~

~~3. Upon receiving a formal complaint from the board, substantiated by conclusive evidence of a teacher's failure or refusal under subsection 1 or that an administrator has willfully secured such a signature, the [State Board] Commission may suspend or revoke the license of the teacher or administrator after notice and opportunity for a hearing have been provided pursuant to NRS 391.322 and 391.323.~~

~~4. The Superintendent of Public Instruction shall notify state agencies for education in other states of any revocation pursuant to this section.] (Deleted by amendment.)~~

Sec. 27. NRS 391.355 is hereby amended to read as follows:

391.355 1. The State Board ~~[Commission]~~ shall adopt rules of procedure for the conduct of hearings conducted pursuant to NRS 391.323.

2. The rules of procedure must provide for boards of trustees of school districts, governing bodies of charter schools ~~[, the Department]~~ or the Superintendent of Public Instruction or the Superintendent's designee to bring charges, when cause exists.

3. *The rules of procedure must provide that:*

(a) *The licensed employee, board of trustees of a school district, governing body of a charter school ~~[, Department]~~ and Superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf.*

(b) *The hearing officer selected pursuant to NRS 319.322 is entitled to be reimbursed for his or her reasonable actual expenses.*

(c) *If requested by the hearing officer selected pursuant to NRS 391.322, an official transcript must be made.*

(d) *Except as otherwise provided in paragraph (e), the ~~[Commission,] State Board,~~ licensed employee and the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing are equally responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 319.322 and the expense of the official transcript. The ~~[Commission,] State Board~~ may bill the licensed employee or the Department, board of trustees of a school district or governing body of a charter school which initiated the complaint resulting in the hearing for their percentage of any expenses incurred pursuant to this paragraph.*

(e) *If the hearing results from a recommendation to revoke or suspend a license based upon a conviction which is a ground for the suspension or revocation of a license pursuant to paragraph (e) or (f) of subsection [4 or 5] 1 of NRS 391.330, the licensed employee is fully responsible for the expense of and compensation for the hearing officer selected pursuant to NRS 391.322 and the expense of the official transcript. The ~~[Commission,] State Board~~ may bill the licensed employee for such expenses.*

4. A hearing officer selected pursuant to NRS 391.322 shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to NRS 391.323.

Sec. 28. ~~[NRS 391.361 is hereby amended to read as follows:
391.361 If charges are brought against a teacher, administrator or other educational personnel for the suspension or revocation of his or her license and the [State Board of Education] Commission determines that there is not sufficient evidence to suspend or revoke the license, the complaint and any related documents must not be made a part of that person's permanent employment record.] (Deleted by amendment.)~~

Sec. 28.5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, ~~391.033~~, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,

441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested

public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

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

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

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

Sec. 28.7. When the term of either member of the Commission on Professional Standards in Education appointed to the Commission pursuant to paragraph (b) of subsection 3 of NRS 391.011 expires, the Governor shall, appoint to the Commission the member of the Commission described in paragraph (f) of subsection 3 of NRS 391.011, as amended by section 4.5 of this bill.

Sec. 29. Notwithstanding the provisions of NRS 391.0347, as amended by section 11 of this act, a person who holds a license to teach which was initially issued on or after July 1, 2015, but before July 1, 2019, is not required to submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education pursuant to NRS 391.0347, as amended by section 11 of this act. Such a person must submit such proof with his or her first application for renewal of his or her license submitted on or after July 1, 2019.

~~Sec. 30. [Notwithstanding the amendatory provisions of section 15 of this act transferring authority to adopt regulations from the Department of Education and the State Board of Education to the Commission on Professional Standards in Education, any regulations adopted by the State Board and the Department pursuant to NRS 391.094 remain in effect and may be enforced by the Commission until the Commission adopts regulations to repeal or replace those regulations.] (Deleted by amendment.)~~

Sec. 31. Notwithstanding the amendatory provisions of this act, a person who holds a special qualifications license to teach issued pursuant to chapter 319 of NRS before July 1, 2019, may continue to teach until the expiration of the license.

~~Sec. 32. [NRS 391.027 is hereby repealed.] (Deleted by amendment.)~~

Sec. 33. This act becomes effective on July 1, 2019.

~~TEXT OF REPEALED SECTION~~

~~391.027 Approval or disapproval of Commission's regulations by State Board of Education.~~

~~1. The State Board may disapprove any regulation adopted by the Commission.~~

~~2. A regulation shall be deemed approved if the State Board does not disapprove the regulation within 90 days after it is adopted by the Commission.~~

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 523 to Senate Bill No. 41 changes the special qualifications license and the membership of the Commission on Professional Standards. It changes the hearings concerning the revocation or suspension of licenses and provides license-denial criteria and confidentiality of records, staff background checks, license-expiration notification and disclosure of professional qualifications of licensed personnel. It gives authority to governing boards of charter schools concerning license suspension or revocation with criteria for license suspension or revocation.

The amendment further provides for a suspension of the application process, notice to the applicant and the opportunity for the applicant to rebut the allegations as part of an investigation in the application process prior to any formal appeal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 12.

SUMMARY—Revises provisions relating to the regulation of gaming.
(BDR 41-342)

AN ACT relating to gaming; ~~requiring the Nevada Gaming Commission to provide by regulation for the operation and registration of tout services and persons associated therewith; requiring the Commission to adopt regulations interpreting certain terms in the public policy of this State pertaining to gaming;~~ revising the definition of "gross revenue"; prohibiting a person from performing an act that requires registration without being registered; revising the definition of "interactive gaming service provider"; revising the definition of "service provider"; providing for the registration, rather than licensure, of service providers; authorizing the Attorney General or district attorney of any county to apply for a court order to intercept communications during an investigation involving certain offenses relating to gaming; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law provides that certain natural persons and business entities must be licensed, registered, found suitable or approved to conduct or be involved in gaming or certain activities relating to gaming. (Chapter 463 of NRS.) Section 1 of this bill requires the Nevada Gaming Commission, with the advice and assistance of the Nevada Gaming Control Board, to provide by regulation for the operation and registration of tout services and persons associated therewith. Section 1 defines the term "tout service" as a person who, for any form of compensation, fee or remuneration, provides advice or opinions relating to wagering on racing or sporting events.~~

~~Existing law sets forth the public policy pertaining to gaming in this State, which provides that to ensure that gaming is conducted honestly, competitively~~

~~and free of criminal and corruptive elements, all gaming establishments in this State must remain open to the general public and the access of the general public to gaming activities must not be restricted in any manner except as provided by the Legislature. (NRS 463.0129) Section 2 of this bill requires the Commission, with the advice and assistance of the Board, to adopt regulations interpreting the terms "open to the general public" and "access of the general public to gaming activities" as used in the declaration of the public policy of this State pertaining to gaming.]~~

Existing law requires the Nevada Gaming Commission to charge and collect from each licensee a license fee based upon all the gross revenue of the licensee. (NRS 463.370) Under existing law, "gross revenue" does not include cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system. (NRS 463.0161) Section 3 of this bill revises the definition of "gross revenue" to include cash received as entry fees for all contests or tournaments ~~],~~ with the exception of all cash and the cost of any noncash prizes paid out to participant which does not exceed the total compensation received for the right to participate in the contests or tournaments.

Existing law provides that it is unlawful for a person to perform certain acts relating to gaming without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town. (NRS 463.160) Section 4 of this bill extends this prohibition to performing ~~facts that require registration pursuant to chapter 463 of NRS or the regulations adopted pursuant thereto, other than temporary registration or registration as a gaming employee.]~~ such acts related to gaming without first having procured, and thereafter maintained, all federal, state, county or municipal gaming registrations, if applicable.

Existing law authorizes the Commission to provide by regulation for the licensing and operation of service providers and all persons, locations and matters associated therewith. Existing law defines "service provider" as a person who: (1) acts on behalf of a person who holds a nonrestricted gaming license, who assists, manages, administers or controls wagers or games or its software or hardware and who is authorized to share revenue from the games without being licensed to conduct a gaming establishment; (2) is an interactive gaming service provider; (3) is a cash accessing and wagering instrument service provider; or (4) meets certain criteria established by the Commission. Existing law defines "interactive gaming services provider" as a person who acts on behalf of an establishment licensed to operate interactive gaming and: (1) manages, administers or controls wagers initiated, made or received on an interactive gaming system; (2) manages, administers or controls the games with which wagers are initiated, received or made on such a system; (3) maintains or operates the software or hardware of such a system; or (4) provides products, services, information or assets to an interactive gaming

establishment and receives a percentage of such an establishment's interactive gaming revenue. (NRS 463.677)

Section 5 of this bill revises the definition of "interactive gaming service provider" to mean a person who acts on behalf of an establishment licensed to operate interactive gaming and who assists, manages, administers or controls wagers or games, or maintains or operates software or hardware on behalf of such a licensed person and who is authorized to share the revenue from such games under certain circumstances. Section 5 also revises the definition of "service provider" to mean a person who: (1) is a cash access and wagering instrument service provider; or (2) meets certain criteria established by the Commission. Sections 5-7 of this bill revise various sections of NRS to provide for : (1) the licensure of an interactive gaming service provider; and (2) the registration, rather than licensure, of service providers.

Existing law authorizes the Attorney General or the district attorney of any county to apply for a court order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of certain offenses. (NRS 179.460) Existing law also provides that it is unlawful for a person to: (1) perform certain actions relating to gaming without having first procured, and thereafter maintaining, all required gaming licenses; or (2) receive any compensation or reward, or any percentage or share of the money or property played, for performing certain actions relating to a bet or wager on the result of any event held at a track involving a horse or other animal, sporting event or other event, without having first procured, and thereafter maintaining, all required gaming licenses. (NRS 463.160, 465.086) Section 8 of this bill adds those offenses to the list of offenses for which such an interception of communications may be ordered.

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

Section 1. ~~Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Commission shall, with the advice and assistance of the Board, provide by regulation for the operation and registration of tout services and persons associated therewith.~~

~~2. Such regulations may include, without limitation:~~

~~(a) Provisions relating to the operation and location of tout services, including, without limitation, minimum internal and operational control standards established by the Commission.~~

~~(b) Provisions relating to the registration of persons owning or operating a tout service and any persons having a significant involvement with a tout service, as determined by the Commission.~~

~~(c) A provision that a person owning, operating or having a significant involvement with a tout service may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.~~

~~—(d) The establishment of fees for an initial registration and the renewal of a registration.~~

~~—(e) The establishment of an appropriate period of validity of a registration.~~

~~—(f) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.~~

~~—3. As used in this section, "tout service" means a person who, for any form of compensation, fee or other remuneration, provides advice or opinions to another person related to wagering on racing or sporting events.] (Deleted by amendment.)~~

Sec. 2. [NRS 463.0129 is hereby amended to read as follows:

~~—463.0129 1. The Legislature hereby finds, and declares to be the public policy of this state, that:~~

~~—(a) The gaming industry is vitally important to the economy of the State and the general welfare of the inhabitants.~~

~~—(b) The continued growth and success of gaming is dependent upon public confidence and trust that licensed gaming and the manufacture, sale and distribution of gaming devices and associated equipment are conducted honestly and competitively, that establishments which hold restricted and nonrestricted licenses where gaming is conducted and where gambling devices are operated do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods, that the rights of the creditors of licensees are protected and that gaming is free from criminal and corruptive elements.~~

~~—(c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments, the manufacture, sale or distribution of gaming devices and associated equipment and the operation of inter-casino linked systems.~~

~~—(d) All establishments where gaming is conducted and where gaming devices are operated, and manufacturers, sellers and distributors of certain gaming devices and equipment, and operators of inter-casino linked systems must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition of the State of Nevada.~~

~~—(e) To ensure that gaming is conducted honestly, competitively and free of criminal and corruptive elements, all gaming establishments in this state must remain open to the general public and the access of the general public to gaming activities must not be restricted in any manner except as provided by the Legislature. The Commission, with the advice and assistance of the Board, shall adopt regulations interpreting the terms "open to the general public" and "access of the general public to gaming activities" as used in this paragraph.~~

~~—2. No applicant for a license or other affirmative commission approval has any right to a license or the granting of the approval sought. Any license issued or other commission approval granted pursuant to the provisions of this~~

~~chapter or chapter 464 of NRS is a revocable privilege, and no holder acquires any vested right therein or thereunder.~~

~~3. This section does not:~~

~~(a) Abrogate or abridge any common law right of a gaming establishment to exclude any person from gaming activities or eject any person from the premises of the establishment for any reason; or~~

~~(b) Prohibit a licensee from establishing minimum wagers for any gambling game or slot machine. (Deleted by amendment.)~~

Sec. 3. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) *Cash received as entry fees for contests and tournaments;*

(c) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

~~{(e)}~~ (d) Compensation received for conducting any game, or any contest or tournament in conjunction with interactive gaming, in which the licensee is not party to a wager,

↳ less the total of all cash paid out as losses to patrons, *all cash and the cost of any noncash prizes paid out to participants in contests or tournaments not to exceed the total compensation received for the right to participate in the contests or tournaments,* those amounts paid to fund periodic payments and any other items made deductible as losses by NRS 463.3715. ~~{For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses, except that losses in a contest or tournament conducted in conjunction with an inter-casino linked system may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.}~~

2. The term does not include:

(a) Counterfeit facsimiles of money, chips, tokens, wagering instruments or wagering credits;

(b) Coins of other countries which are received in gaming devices;

(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

~~(e) {Cash received as entry fees for contests or tournaments in which patrons compete for prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system;~~

~~{(f)}~~ Uncollected baccarat commissions; or

~~{(g)}~~ (f) Cash provided by the licensee to a patron and subsequently won by the licensee, for which the licensee can demonstrate that it or its affiliate has not been reimbursed.

3. As used in this section, "baccarat commission" means:

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.

Sec. 4. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider;
~~perform any act for which the person is required to be registered pursuant to the provisions of this chapter or the regulations adopted pursuant thereto, except being temporarily registered as a gaming employee or registered as a gaming employee;~~ or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

↳ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses *or registrations* as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. For the purposes of this section, the operation of a race book or sports pool includes making the premises available for any of the following purposes:

(a) Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) Accepting wagers from patrons;

(c) Allowing patrons to place wagers;

(d) Paying winning wagers to patrons; or

(e) Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash, whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

6. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

Sec. 5. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, system-based and system-supported games, gaming devices, mobile gaming systems, interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by an interactive gaming service provider or a service provider, as applicable, who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to ~~license register~~ :

~~(1) License interactive gaming service providers;~~

~~(2) Register service providers [by maintaining] ; and [maintain]~~

~~(3) Maintain~~ strict regulation and control of the operation of such interactive gaming service providers or service providers, respectively, and all persons and locations associated therewith.

2. Except as otherwise provided in subsection ~~3,~~ 4, the Commission may, with the advice and assistance of the Board, provide by regulation for the ~~licensing registration~~ :

~~(a) Licensing of an interactive gaming service provider;~~

~~(b) Registration of a service provider; and [operation]~~

~~(c) Operation of such~~ a service provider or interactive gaming service provider, respectively, and all persons, locations and matters associated therewith. ~~[Such]~~

3. The regulations pursuant to subsection 2 may include, without limitation:

(a) Provisions requiring ~~the~~ :

(1) The interactive gaming service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission ~~and~~ and to be licensed ~~registered~~ regardless of whether the interactive gaming service provider holds any ~~other~~ license.

(2) The service provider to be registered regardless of whether the service provider holds any license.

(b) Criteria regarding the location from which the interactive gaming service provider or service provider, respectively, conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to ~~the~~ :

(1) The licensing of persons owning or operating an interactive gaming service provider, and any person having a significant involvement therewith, as determined by the Commission.

(2) The registration of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with an interactive gaming service provider or a service provider, respectively, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that an interactive gaming service provider or a service provider, respectively, must be liable to the licensee on whose behalf the services are provided for the interactive gaming service provider's or service provider's proportionate share of the fees and taxes paid by the licensee.

~~3.4.~~ The Commission may not adopt regulations pursuant to this section until the Commission first determines that interactive gaming service providers or service providers, respectively, are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

~~4.5.~~ Regulations adopted by the Commission pursuant to this section must provide that the premises on which an interactive gaming service provider and a service provider, respectively, conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the interactive gaming service provider or service provider, respectively, is a gaming licensee.

~~5.6.~~ As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and ~~is~~

~~(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;~~
~~(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;~~
~~(3) Maintains or operates the software or hardware of an interactive gaming system; or~~
~~(4) Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.] who assists, manages, administers or controls wagers or games or maintains or operates software or hardware of a game on behalf of the licensed person, and is authorized to share in the revenue from the games without being licensed to conduct gaming at an establishment.~~

(b) "Service provider" means a person who:

~~(1) [Acts on behalf of another a licensed person who conducts nonrestricted gaming operations, and who assists, manages, administers or controls wagers or games, or maintains or operates the software or hardware of games on behalf of such a licensed person, and is authorized to share in the revenue from games without being licensed to conduct gaming at an establishment;~~

~~(2) Is an interactive gaming service provider;~~

~~(3) Is a cash access and wagering instrument service provider; or~~

~~(4) (2) Meets such other or additional criteria as the Commission may establish by regulation.~~

Sec. 6. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing the licensing and operation of interactive gaming.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems; ~~and~~

~~(3) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 6 of NRS 463.677; and~~

~~(4) Registration as a service provider to perform the actions described in paragraph ~~(a)~~ (b) of subsection ~~(5)~~ 6 of NRS 463.677.~~

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware; ~~and~~

~~(2) A person must hold a license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 6 of NRS 463.677; and~~

~~(3) A person must be registered as a service provider to perform the actions described in paragraph ~~(a)~~ (b) of subsection ~~5~~ 6 of NRS 463.677.~~

(c) Except as otherwise provided in subsections 6 to 10, inclusive, set forth standards for the suitability of a person to be ~~licensed~~ :

~~(1) Licensed as a manufacturer of interactive gaming systems ~~for to be registered~~ :~~

~~(2) Licensed as an interactive gaming service provider as described in paragraph (a) of subsection 6 of NRS 463.677 that are as stringent as the standards for an nonrestricted license; or~~

~~(3) Registered as a service provider as described in paragraph (b) of subsection ~~5~~ 6 of NRS 463.677 that are as stringent as the standards for a nonrestricted license.~~

(d) Set forth provisions governing:

(1) The initial fee for a license for an interactive gaming service provider as described in paragraph (a) of subsection 6 of NRS 463.677.

~~(2) The initial fee for registration as a service provider as described in paragraph (b) of subsection ~~5~~ 6 of NRS 463.677.~~

~~(2)~~ (3) The fee for the renewal of such a license for such an interactive gaming service provider or registration as a service provider, as applicable, and any renewal requirements for such a license, ~~or~~ registration, ~~as applicable.~~

~~(3)~~ (4) Any portion of the license fee paid by a person licensed to operate interactive gaming, pursuant to subsection 1 of NRS 463.770, for which ~~an~~ an interactive gaming service provider may be liable to the person licensed to operate interactive gaming.

(e) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment, unless federal law otherwise provides for a similar fee or tax.

(f) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(g) Define "interactive gaming system," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

3. Except as otherwise provided in subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is 45,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

4. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 3;

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.

6. Except as otherwise provided in subsections 7, 8 and 9:

(a) A covered person may not be found suitable for licensure ~~for~~ ~~registration~~ under this section within 5 years after February 21, 2013;

(b) A covered person may not be found suitable for licensure ~~for~~ ~~registration~~ under this section unless such covered person expressly submits to the jurisdiction of the United States and of each state in which patrons of interactive gaming operated by such covered person after December 31, 2006,

were located, and agrees to waive any statutes of limitation, equitable remedies or laches that otherwise would preclude prosecution for a violation of any provision of federal law or the law of any state in connection with such operation of interactive gaming after that date;

(c) A person may not be found suitable for licensure ~~for registration~~ under this section within 5 years after February 21, 2013, if such person uses a covered asset for the operation of interactive gaming; and

(d) Use of a covered asset is grounds for revocation of an interactive gaming license, or a finding of suitability, issued under this section.

7. The Commission, upon recommendation of the Board, may waive the requirements of subsection 6 if the Commission determines that:

(a) In the case of a covered person described in paragraphs (a) and (b) of subsection 1 of NRS 463.014645:

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

(2) The assets to be used or that are being used by such person were not used after that date in violation of any provision of federal law or the law of any state;

(b) In the case of a covered person described in paragraph (c) of subsection 1 of NRS 463.014645, the assets that the person will use in connection with interactive gaming for which the covered person applies for a finding of suitability were not used after December 31, 2006, in violation of any provision of federal law or the law of any state; and

(c) In the case of a covered asset, the asset was not used after December 31, 2006, in violation of any provision of federal law or the law of any state, and the interactive gaming facility in connection with which the asset was used was not used after that date in violation of any provision of federal law or the law of any state.

8. With respect to a person applying for a waiver pursuant to subsection 7, the Commission shall afford the person an opportunity to be heard and present relevant evidence. The Commission shall act as finder of fact and is entitled to evaluate the credibility of witnesses and persuasiveness of the evidence. The affirmative votes of a majority of the whole Commission are required to grant or deny such waiver. The Board shall make appropriate investigations to determine any facts or recommendations that it deems necessary or proper to aid the Commission in making determinations pursuant to this subsection and subsection 7.

9. The Commission shall make a determination pursuant to subsections 7 and 8 with respect to a covered person or covered asset without regard to whether the conduct of the covered person or the use of the covered asset was ever the subject of a criminal proceeding for a violation of any provision of

federal law or the law of any state, or whether the person has been prosecuted and the prosecution terminated in a manner other than with a conviction.

10. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

- (a) Until the Commission adopts regulations pursuant to this section; and
- (b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

11. A person who violates subsection 10 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than \$50,000, or both.

Sec. 7. NRS 463.767 is hereby amended to read as follows:

463.767 1. The Commission may, with the advice and assistance of the Board, adopt a seal for its use to identify:

- (a) A license to operate interactive gaming;
- (b) A license for a manufacturer of interactive gaming systems; ~~and~~
- (c) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection 6 of NRS 463.677; and
- (d) Registration as a service provider to perform the actions described in paragraph ~~(a)~~ (b) of subsection ~~5~~ 6 of NRS 463.677.

2. The Chair of the Commission has the care and custody of the seal.

3. The seal must have imprinted thereon the words "Nevada Gaming Commission."

4. A person shall not use, copy or reproduce the seal in any way not authorized by this chapter or the regulations of the Commission. Except under circumstances where a greater penalty is provided in NRS 205.175, a person who violates this subsection is guilty of a gross misdemeanor.

5. A person convicted of violating subsection 4 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction. A court before whom a defendant is convicted of a violation of subsection 4 shall, for each violation, order the defendant to pay a civil penalty of \$5,000. The money so collected:

- (a) Must not be deducted from any penal fine imposed by the court;
- (b) Must be stated separately on the court's docket; and
- (c) Must be remitted forthwith to the Commission.

Sec. 8. NRS 179.460 is hereby amended to read as follows:

179.460 1. The Attorney General or the district attorney of any county may apply to a Supreme Court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire, electronic or oral communications, and the judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire, electronic or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense

as to which the application is made, when the interception may provide evidence of the commission of murder, kidnapping, robbery, extortion, bribery, escape of an offender in the custody of the Department of Corrections, destruction of public property by explosives, a sexual offense against a child, sex trafficking, a violation of NRS 200.463, 200.464 or 200.465, trafficking in persons in violation of NRS 200.467 or 200.468, ~~for~~ the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS ~~or~~ *or a violation of NRS 463.160 or 465.086.*

2. A provider of electronic communication service or a public utility, an officer, employee or agent thereof or another person associated with the provider of electronic communication service or public utility who, pursuant to an order issued pursuant to subsection 1, provides information or otherwise assists an investigative or law enforcement officer in the interception of a wire, electronic or oral communication is immune from any liability relating to any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

- (a) Incest pursuant to NRS 201.180;
- (b) Lewdness with a child pursuant to NRS 201.230;
- (c) Sado-masochistic abuse pursuant to NRS 201.262;
- (d) Sexual assault pursuant to NRS 200.366;
- (e) Statutory sexual seduction pursuant to NRS 200.368;
- (f) Open or gross lewdness pursuant to NRS 201.210; or
- (g) Luring a child or a person with mental illness pursuant to NRS 201.560,

if punished as a felony.

Sec. 9. This act becomes effective:

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

2. On July 1, 2019, for all other purposes.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 12 to Senate Bill No. 46 deletes section 1 regarding the regulation of tout services and deletes section 2 regarding the regulation of open and accessible gaming. It reverts language in subsection 1(e) of section 4 to current statute. It revises sections 5 through 7 to retain current licensing requirements for interactive-gaming service providers. It also removes certain expenses incurred by a licensee from the definition of "gross revenue" so the term will accurately reflect the amount the licensee retains from entry fees after paying out cash and noncash prizes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 148.

Bill read second time.

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

Amendment No. 481.

SUMMARY—Revises provisions governing manufactured home parks. (BDR 10-503)

AN ACT relating to manufactured homes; revising provisions requiring the landlord of a manufactured home park to pay certain costs associated with moving a tenant's manufactured home if the landlord makes certain changes to the park; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a landlord of a manufactured home park to pay certain costs associated with moving a tenant's manufactured home if the landlord converts the park to a park for older persons or changes the age-restriction of a park for older persons. (NRS 118B.130) This bill provides that when the landlord of a manufactured home park changes the age-restriction of a park for older persons: (1) a tenant who elects to move to another park for older persons and require the landlord to pay certain costs associated with the move is required to notify the landlord within 90 days, rather than 75 days, after receiving notice of the change; (2) a tenant who elects to move to another park for older persons and require the landlord to pay certain costs associated with the move is required to move to that other park within 180 days after receiving notice of the change; and (3) limits the amount of costs associated with the move that the landlord is required to pay to ~~to \$2,500~~ \$5,000 for a single-section manufactured home and ~~to \$5,000~~ \$10,000 for a manufactured home with multiple sections.

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

Section 1. NRS 118B.130 is hereby amended to read as follows:

118B.130 1. A landlord may not change:

(a) An existing park to a park for older persons pursuant to federal law unless the tenants who do not meet those restrictions and may lawfully be evicted are moved to other parks at the expense of the landlord; or

(b) The restriction of a park for older persons pursuant to federal law unless the tenants are given the option of remaining in their spaces or moving to other parks *for older persons* at the expense of the landlord.

2. A tenant who elects to move pursuant to ~~to a provision of~~ :

(a) *Paragraph (a) of subsection 1* shall give the landlord notice in writing of the tenant's election to move within 75 days after receiving notice of the change in restrictions in the park.

(b) *Paragraph (b) of subsection 1* shall give the landlord notice in writing of the tenant's election to move within 90 days after receiving notice of the change in restrictions in the park.

3. At the time of providing notice of the change in restrictions in the park, the landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within 150 miles that have reported having vacant spaces.

4. If a landlord is required to move a tenant to another park pursuant to *paragraph (a) of subsection 1*, the landlord shall pay:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location in this State or another state within 150 miles from the manufactured home park; or

(b) If the new location is more than 150 miles from the manufactured home park, the cost of moving the manufactured home for the first 150 miles, including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his or her manufactured home and its appurtenances in the new lot or park.

5. *If a tenant elects to move pursuant to paragraph (b) of subsection 1 and moves to another park for older persons within 180 days after receiving notice pursuant to paragraph (b) of subsection 2, the landlord shall pay the lesser of:*

(a) *The cost of moving the tenant's manufactured home and its appurtenances to the other park for older persons located in this State or another state within 150 miles from the manufactured home park; or*

(b) ~~the lesser of \$2500 as applicable, \$5,000 for a single-section home or \$5,000 for a home with multiple sections.~~

~~5.6.~~ If the landlord is required to move a tenant to another park pursuant to *paragraph (a) of subsection 1* and is unable to move a shed, due to its physical condition, that belongs to ~~the~~ the tenant, ~~who has elected to have the landlord move his or her manufactured home,~~ the landlord shall pay the tenant \$250 as reimbursement for the shed. Each tenant may receive only one payment of \$250 even if more than one shed is owned by the tenant.

~~6.7.~~ If the tenant chooses not to move the manufactured home, ~~home pursuant to paragraph (a) of subsection 1,~~ the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within 150 miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home.

~~7.8.~~ A landlord of a park in which restrictions have been or are being changed shall give written notice of the change to each:

(a) Tenant of the park who does not meet the new restrictions; and

(b) Prospective tenant before the commencement of the tenancy.

~~8.9.~~ For the purposes of this section, the fair market value of a manufactured home must be determined by the landlord pursuant to NRS 118B.1837.

~~9.10.~~ Within 30 days after receiving a determination of fair market value from a landlord pursuant to subsection ~~8.9,~~ 9, a tenant may request that the Administrator appoint a certified appraiser or a dealer licensed pursuant to chapter 489 of NRS to make a determination of fair market value. The Administrator shall cause such a determination to be made within 30 days after

receipt of the request and that determination is binding on the landlord and tenant.

~~{10.} 11.~~ The landlord shall pay the costs associated with determining the fair market value of a manufactured home pursuant to subsections ~~{8} 9~~ and ~~{9} 10~~ and the cost of removing and disposing of a manufactured home pursuant to subsection ~~{6.} 7~~.

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 481 makes two changes to Senate Bill No. 148. It amends section 1 to double the moving cost cap from \$2,500 for a single-section home or \$5,000 for a home with multiple sections to \$5,000 and \$10,000 respectively. It amends section 1, subsection 7, to restore language regarding fair market value.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 444.

SUMMARY—Revises provisions relating to employment. (BDR 18-5)

AN ACT relating to employment; requiring certain penalties and fines imposed by the Nevada Equal Rights Commission for certain unlawful discriminatory practices to be deposited in the State General Fund; ~~requiring civil penalties imposed by the Nevada Equal Rights Commission for certain unlawful employment practices to be deposited in the Nevada Equal Rights Commission Gift Fund and used for certain purposes;~~ revising provisions governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission; revising provisions relating to unlawful employment practices; revising the relief that the Commission may order if it determines that an unlawful employment practice has occurred; revising provisions relating to the time in which a person may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an employer, employment agency, labor organization or joint labor-management committee from discriminating against any person with respect to employment or membership, as applicable, on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origination. (NRS 613.330) Existing law also requires the Nevada Equal Rights Commission to accept certain complaints alleging unlawful discriminatory practices and, if the Commission determines that an unlawful practice has occurred, order: (1) the person engaging in the practice to cease and desist; and (2) for a case involving an unlawful employment

practice, the restoration of all benefits and rights to which the aggrieved person is entitled. (NRS 233.157, 233.160, 233.170)

Section 2 of this bill revises provisions governing the filing of complaints alleging a practice of unlawful discrimination in compensation to require that the complaint be filed within 300 days after any date on which: (1) a decision or practice resulting in discriminatory compensation is adopted; (2) a person becomes subject to such a decision or practice; or (3) a person is affected by an application of such a decision or practice. Section 2 also requires the Commission to notify each party to a complaint of the period of time that a person may apply to a district court for relief. ~~[Sections] Section 3 [and 4]~~ of this bill ~~[revises]~~ revises the powers of the Commission to order remedies for unlawful employment practices. Section 3 authorizes the Commission to: (1) award back pay for a period beginning 2 years before the date of the filing of a complaint regarding an unlawful employment practice and ending on the date the Commission issues an order regarding the complaint; (2) ~~award costs and reasonable attorney's fees in cases involving an unlawful employment practice;~~ (3) order payment of compensatory damages in cases involving an unlawful employment practice relating to discrimination on the basis of sex; and ~~[(4)]~~ (3) under certain circumstances, order a civil penalty, in increasing amounts, for an unlawful employment practice that it determines is willful based on the number of such practices the person has committed in the previous 5 years.

Section 1 of this bill requires ~~[, with limited exception,]~~ that any penalty or fine imposed by the Commission for certain unlawful discriminatory practices and for willful interference with the performance of duties by the Commission be deposited in the State General Fund and authorizes the Commission to present a claim for recommendation to the Interim Finance Committee if money is required to pay certain costs. ~~[Section 1 requires that any civil penalty imposed by the Commission for certain willful unlawful employment practices be deposited in the Nevada Equal Rights Commission Gift Fund and used to prevent unlawful employment practices through enforcement, outreach and training.]~~

Section 8 of this bill requires the Commission, if it does not conclude that an unfair employment practice has occurred, to issue a letter to the person who filed the complaint concerning an unfair employment practice. This letter must notify the person of his or her right to apply to the district court for an order relating to the alleged unfair employment practice and any potential punitive damages owed to the person. Section 9 of this bill provides that a person may apply to a district court for relief pursuant to section 8 up to 180 days after the date of issuance of the letter described in section 8.

Section 5 of this bill expands the list of persons who are protected from certain unlawful employment practices to include applicants for employment, and section 7 of this bill expressly includes references to the provisions providing such protections for the purpose of specifying who may file a complaint.

Section 6 of this bill provides that it is an unlawful employment practice to use an occupational qualification which: (1) is based upon or derived from a difference on the basis of sex; or (2) the employer, employment agency, labor organization or joint labor-management committee has refused to change after being presented by an affected person with an alternative practice that would serve the same purpose in a manner that is less discriminatory on the basis of sex.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Except as otherwise provided in subsection 3, all~~ All penalties and fines imposed by the Commission pursuant to NRS 233.170 and 233.210 must be deposited with the State Treasurer for credit to the State General Fund.

2. If the money collected from the imposition of any penalty and fine is deposited in the State General Fund pursuant to subsection 1, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

~~3. A civil penalty imposed by the Commission pursuant to subparagraph (5) of paragraph (b) of subsection 3 of NRS 233.170 must be deposited in the Nevada Equal Rights Commission Gift Fund created by NRS 233.155. The money described in this subsection must be accounted for separately in the Fund and used only for the purpose of preventing unlawful employment practices in this State through enforcement of this chapter, outreach and training.]~~

Sec. 2. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

↪ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

(a) A copy of the complaint;

- (b) An explanation of the rights which are available to that party; and
- (c) A copy of the Commission's procedures.

4. *The Commission shall notify each party to the complaint of the limitation on the period of time that a person may apply to the district court for relief pursuant to NRS 613.430.*

5. *For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on each date on which:*

(a) *A decision or other practice resulting in discriminatory compensation is adopted;*

(b) *A person becomes subject to a decision or other practice resulting in discriminatory compensation; or*

(c) *A person is affected by an application of a decision or other practice resulting in discriminatory compensation, including, without limitation, each payment of wages, benefits or other compensation that is affected by the decision or practice.*

Sec. 3. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations if true would support a finding of unlawful practice, the Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. No further action may be taken if the parties agree to a settlement.

2. If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. After the investigation, if the Administrator determines that an unlawful practice has occurred, the Administrator shall attempt to mediate between or reconcile the parties. The party against whom a complaint was filed may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.

3. If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred, it may:

(a) Serve a copy of its findings of fact within 10 calendar days upon any person found to have engaged in the unlawful practice; and

(b) Order the person to:

(1) Cease and desist from the unlawful practice. *The order must include, without limitation, the corrective action the person must take.*

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period ~~not to exceed 2 years after the date of the most recent unlawful practice,~~ *described in subsection 4, annual leave*

time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

(3) ~~In cases involving an unlawful employment practice, pay the costs and reasonable attorney's fees incurred by the aggrieved person to pursue the claim.~~

~~(4) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate by the Commission as compensatory damages which, upon submission of proof by the aggrieved party, may include, without limitation, compensation that would have been earned in the absence of discrimination for overtime, shift differential, ~~commissions, tips,~~ cost of living adjustments, merit increases or promotions, or ~~for~~ other fringe benefits, ~~including, without limitation, vacation pay, pension or retirement benefits, stock options or bonus plans, contributions to a savings plan, profit sharing or benefits for medical or life insurance.~~~~

~~(5)~~ (4) In cases involving an unlawful employment practice committed by an employer with 30 or more employees that the Commission determines was willful, pay a civil penalty of:

(I) For the first unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than ~~(\$10,000.)~~ \$5,000.

(II) For the second unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than ~~(\$15,000.)~~ \$10,000.

(III) For the third and any subsequent unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than ~~(\$25,000.)~~ \$15,000.

4. For the purposes of subparagraph (2) of paragraph (b) of subsection 3, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection 3 addressing all unlawful practices which occur during that period and which are similar or related to an unlawful practice in the complaint.

5. Before imposing a civil penalty pursuant to subparagraph ~~(5)~~ (4) of paragraph (b) of subsection 3, the Commission must allow the person found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection 3. If the person takes such corrective action, the Commission shall not impose the civil penalty.

6. *The Commission shall adopt regulations setting forth the manner in which the Commission will determine whether an unlawful employment practice was willful.*

7. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the person has violated the order by failing to cease and desist from the unlawful practice or to make the payment ordered, the court shall ~~not~~ ~~shall~~ award the aggrieved party actual damages for any economic loss ~~and~~ no more.

~~[5. (b) May, if the court determines that the employer's act or failure to act was the result of malice or reckless indifference, impose an amount determined by the court as punitive damages.]~~

8. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

Sec. 4. ~~[NRS 233.210 is hereby amended to read as follows:
233.210 Any person who willfully resists, prevents, impedes or interferes with the Commission, its members, the Administrator or agents in the performance of duties pursuant to this chapter shall be fined not more than \$500. In such an action, the Commission may recover any reasonable costs or expenses incurred by the Commission, its members, the Administrator or agents in the performance of duties pursuant to this chapter.] (Deleted by amendment.)~~

Sec. 5. NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or

(c) Except as otherwise provided in subsection 7, to discriminate against any employee or applicant for employment because the employee or applicant

has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another employee.

2. It is an unlawful employment practice for an employment agency:

(a) To fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person;

(b) To classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; or

(c) Except as otherwise provided in subsection 7, to discriminate against any person because the person has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;

(c) Except as otherwise provided in subsection 7, to discriminate or take any other action prohibited by this section against any member thereof or any applicant for membership because the member or applicant has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another member or applicant; or

(d) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.

7. The provisions of paragraph (c) of subsection 1, paragraph (c) of subsection 2 and paragraph (c) of subsection 3, as applicable, do not apply to any person who has access to information about the wages of other persons as part of his or her essential job functions and discloses that information to a person who does not have access to that information unless the disclosure is ordered by the Labor Commissioner or a court of competent jurisdiction.

8. It is an unlawful employment practice for an appointing authority governed by the provisions of chapter 284 of NRS, the Administrator of the Division of Human Resource Management of the Department of Administration or the governing body of a county, incorporated city or unincorporated town to consider the criminal history of an applicant for employment without following the procedure required in NRS 245.046, 268.402, 269.0802, 284.281 or 284.283, as applicable.

9. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 6. NRS 613.350 is hereby amended to read as follows:

613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in those instances where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that

the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.

3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.

4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.

5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees' benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.4383, inclusive, as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.

6. It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

7. *For the purpose of subsection 1, "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise" does not include a qualification which:*

- (a) Is based upon or derived from a difference on the basis of sex; or*
- (b) The employer, employment agency, labor organization or joint labor-management committee has refused to change after an affected person has presented an alternative practice that would serve the same purpose without producing the same amount of differential treatment on the basis of sex.*

Sec. 7. NRS 613.405 is hereby amended to read as follows:

613.405 1. Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.4383, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

2. Any person injured by an unlawful employment practice within the scope of *paragraph (c) of subsection 1, paragraph (c) of subsection 2, paragraph (c) of subsection 3, subsection 7 or subsection 8* of NRS 613.330 may file a complaint to that effect with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

3. Any person injured by an unlawful employment practice within the scope of NRS 613.4353 to 613.4383, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on an employer's failure to comply with the provisions of NRS 613.4353 to 613.4383, inclusive.

Sec. 8. NRS 613.420 is hereby amended to read as follows:

613.420 If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.4383, inclusive, has occurred ~~[, any]~~ :

1. Any person alleging such a practice may apply to the district court for an order granting or restoring to that person the rights to which the person is entitled under those sections ~~[, and, if the court determines that the employer's act or failure to act was the result of malice or reckless indifference, imposing an amount determined to be appropriate by the court as punitive damages,]~~ ; and

2. The Commission shall issue a letter to the person who filed the complaint pursuant to NRS 613.405 notifying the person of his or her rights pursuant to subsection 1.

Sec. 9. NRS 613.430 is hereby amended to read as follows:

613.430 No action authorized by NRS 613.420 may be brought more than 180 days after the date of the act complained of ~~[,]~~ or more than 180 days after the date of the issuance of the letter described in subsection 2 of NRS 613.420, whichever is later. When a complaint is filed with the Nevada Equal Rights Commission the limitation provided by this section is tolled as to any action authorized by NRS 613.420 during the pendency of the complaint before the Commission.

Sec. 10. This act becomes effective:

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

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 444 to Senate Bill No. 166 relates to employment discrimination. Among other provisions, the amendment limits the civil penalties the Nevada Equal Rights Commission may impose for willful and unlawful employment practices to apply to employers with 30 or more employees. The amendment also requires that all penalties and fines must be deposited with the State Treasurer for credit to the State General Fund instead of the Commission's Gift Fund. The amount of the civil penalties is reduced.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 177.

Bill read second time.

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

Amendment No. 537.

SUMMARY—Revises provisions relating to employment practices. (BDR 53-723)

AN ACT relating to employment; requiring the Nevada Equal Rights Commission to notify certain persons that the Commission shall, upon request, provide a right-to-sue notice; requiring the Commission to issue a right-to-sue notice in certain circumstances; revising the statute of limitations for bringing a civil action in district court for an unlawful employment practice; authorizing a court to award certain relief to an employee injured by certain unlawful employment practices under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person may file a complaint which alleges unlawful discriminatory practices in employment with the Nevada Equal Rights Commission not later than 300 days after the date of the occurrence of the alleged unlawful discriminatory practice in employment. (NRS 233.160) Section 9 of this bill requires the Commission to notify in writing the person who filed the complaint that the person may request the Commission to issue a right-to-sue notice. Section 2 of this bill requires the Commission to issue, upon request, a right-to-sue notice if at least 180 days have passed after the complaint was filed. In addition, section 7 of this bill requires the Commission to issue a right-to-sue notice if, after a complaint is filed with the Commission, the Commission does not conclude that an unfair employment practice has occurred. The right-to-sue notice must inform the person that the person may bring a civil action in district court not later than 90 days after the date of receipt of the right-to-sue notice against the person named in the complaint.

Under existing law, if, after a complaint alleging an unfair employment practice is filed with the Commission, the Commission does not conclude that an unfair employment practice has occurred, the person alleging such a practice has occurred is authorized to bring a civil action in the district court for an order granting or restoring to that person the rights to which the person is entitled. (NRS 613.420) Existing law prohibits a person from bringing such a civil action unless it is brought not more than 180 days after the act constituting the unfair employment practice occurred and provides that the 180-day period is tolled during the pendency of the complaint before the Commission. (NRS 613.430) Sections 7 and 8 of this bill ~~make conforming changes.~~ prohibit a person from bringing a civil action in district court unless the civil action is brought not later than 180 days after the act constituting the

unfair employment practice occurred, including, the period for which this 180-day period is tolled during the pendency of the complaint before the Commission, or not later than 90 days after a right-to-sue notice is received, whichever is later.

Title VII of the Civil Rights Act of 1964 sets forth various employment practices that are unlawful if such practices are based on an individual's: (1) race; (2) color; (3) religion; (4) sex; or (5) national origin. (42 U.S.C. §§ 2000e-2, 2000e-3) Title VII of the Civil Rights Act of 1964 provides various forms of legal and equitable relief to individuals against whom such unlawful employment practices were committed. (42 U.S.C. § 2000e-5) Existing Nevada law provides that a person who has suffered an injury as a result of certain unlawful employment practices may file a complaint with the Nevada Equal Rights Commission if the complaint is based on discrimination because of: (1) race; (2) color; (3) sex; (4) sexual orientation; (5) gender identity or expression; (6) age; (7) disability; (8) religion; or (9) national origin. (NRS 613.405) Existing Nevada law also provides that if the Commission does not conclude that an unfair employment practice has occurred, any person alleging such a practice may bring an action in district court. (NRS 613.420)

Section 3 of this bill provides that if a court finds that an employee has been injured as the result of certain unlawful employment practices, the court ~~shall~~ may award to the employee the same legal or equitable relief that may be awarded to a person pursuant to Title VII of the Civil Rights Act of 1964 ~~even~~ if the employee is ~~not~~ protected by Title VII of the Civil Rights Act of 1964 ~~+~~ or certain provisions of existing law. Sections 4-6 of this bill make conforming changes.

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *If a person files a complaint pursuant to paragraph (b) of subsection 1 of NRS 233.160 which alleges an unlawful discriminatory practice in employment, the Commission shall issue, upon request from the person, a right-to-sue notice if at least 180 days have passed after the complaint was filed pursuant to NRS 233.160. The right-to-sue notice must indicate that the person may, not later than 90 days after the date of receipt of the right-to-sue notice, bring a civil action in district court against the person named in the complaint.*

Sec. 3. *If a court finds that an employee has been injured by an unlawful employment practice within the scope of this section and NRS 613.310 to 613.4383, inclusive, and section 2 of this act, the court ~~shall~~ may award the employee the same legal or equitable relief that may be awarded to a person pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., ~~even~~ if the employee is ~~not~~ protected by Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330.*

Sec. 4. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.4383, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

5. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

6. "Person" includes the State of Nevada and any of its political subdivisions.

7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 5. NRS 613.320 is hereby amended to read as follows:

613.320 1. The provisions of NRS 613.310 to 613.4383, inclusive, *and sections 2 and 3 of this act* do not apply to:

(a) Any employer with respect to employment outside this state.

(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.4383, inclusive, *and sections 2 and 3 of this act* concerning unlawful employment practices related to sexual orientation and gender identity or expression do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 6. NRS 613.390 is hereby amended to read as follows:

613.390 Nothing contained in NRS 613.310 to 613.4383, inclusive, *and sections 2 and 3 of this act* applies to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because the individual is an Indian living on or near a reservation.

Sec. 7. NRS 613.420 is hereby amended to read as follows:

613.420 1. If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.4383, inclusive, *and sections 2 and 3 of this act* has occurred, ~~any or if the Commission shall issue a right-to-sue notice. The right-to-sue notice must indicate that the person may, not later than 90 days after the date of receipt of the right-to-sue notice, bring a civil action in district court against the person named in the complaint.~~

2. *If the Nevada Equal Rights Commission has issued a right-to-sue notice pursuant to this section or section 2 of this act, the person alleging such a practice has occurred may ~~apply to~~ bring a civil action in the district court not later than 90 days after the date of receipt of the right-to-sue notice for any appropriate relief, including, without limitation, an order granting or restoring to that person the rights to which the person is entitled under those sections.*

Sec. 8. NRS 613.430 is hereby amended to read as follows:

613.430 No action authorized by NRS 613.420 may be brought more than 180 days after the date of the act complained of ~~[-] or more than ~~180~~ 90 days after the date of the ~~issuance~~ receipt of the right-to-sue notice pursuant to section 2 of this act, whichever is later.~~ When a complaint is filed with the Nevada Equal Rights Commission, the limitation provided by this section is tolled as to any action authorized by NRS 613.420 during the pendency of the complaint before the Commission.

Sec. 9. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

↪ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

- (a) A copy of the complaint;
- (b) An explanation of the rights which are available to that party; and
- (c) A copy of the Commission's procedures.

4. *If a person files a complaint pursuant to paragraph (b) of subsection 1 which alleges an unlawful discriminatory practice in employment, the Commission shall, as soon as practicable after receiving the complaint, notify in writing the person who filed the complaint that the person may request the Commission to issue a right-to-sue notice pursuant to section 2 of this act.*

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 537 to Senate Bill No. 177 amends sections 2, 7 and 8 to decrease from 180 days to 90 days the time that a person must file an action in District Court after receiving the right to sue notice. It amends section 3 to clarify that the Court may award the employee the same legal or equitable relief that may be awarded to a person pursuant to Title VII of the Civil Rights Act of 1964 if the employee is protected by the Civil Rights Act of 1964 or certain provisions of existing State law.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 167.

SUMMARY—Revises provisions relating to background checks required to become a volunteer at a school. (BDR 34-14)

AN ACT relating to education; revising requirements concerning the submission of fingerprints required to become a volunteer at a school; exempting a volunteer from undergoing a background check in certain circumstances; deeming certain students enrolled at an institution of higher education not to be volunteers in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each volunteer at a public school, including a charter school, achievement charter school or university school for profoundly gifted pupils, and a private school who will have regular or unsupervised conduct with pupils to submit his or her fingerprints to the governing body or administrator of the school or the board of trustees of the school district, as applicable, for the purposes of a criminal background check before beginning his or her service as a volunteer and at least once every 5 years thereafter. (NRS 388A.515, 388B.250, 388C.200, 391.104, 394.155) Sections 1.5, 6.5, 10.5 and 15.5 of this bill specifically define the term "unsupervised conduct" for that purpose. Sections 2, 7, 11 and 16 of this bill define the term "volunteer" to mean any person who, without compensation, works at, assists with or

oversees any activity or event conducted or sponsored by a charter school during or outside of school hours.

Sections 4, 9, 14 and 18 of this bill remove the requirement that a volunteer who will have regular, supervised contact with pupils receive a background check. Sections 3, 8, 12 and 17 of this bill authorize a volunteer to submit his or her fingerprints to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History as an alternative to submitting his or her fingerprints to the governing body, administrator or board of trustees. If a volunteer submits his or her fingerprints to such an authorized entity, the Central Repository would still be required to notify the superintendent of the school district, governing body of the charter school or administrator of the private school, as applicable, if the background check reveals that the volunteer has been convicted of certain crimes. (NRS 179A.075)

The State Board of Education adopted a regulation that allows the governing body of a public school or the board of trustees of a school district to exempt a volunteer from a background check if the volunteer submits sufficient evidence or the entity responsible for conducting the background check otherwise determines that the volunteer: (1) has already undergone a background check for the same purpose within the immediately preceding 6 months and has been determined eligible to interact with pupils; or (2) is employed in a position which required a background check and has been approved to have unsupervised meetings with pupils as part of his or her official duties. Additionally, the regulation deems certain students at an institution of higher education who are taking a course that requires them to be present in a classroom not to be volunteers for purposes of the statutes requiring background checks in certain circumstances. (LCB File No. R016-18, effective October 25, 2018) Section 19 of this bill declares that regulation void and unenforceable, and sections 3, 8 and 12 of this bill require the governing body of a public school or the board of trustees of a school district to exempt a volunteer from a background check if: (1) the volunteer has ~~passed~~ been determined by a governmental entity to be eligible to interact with pupils as a volunteer or employee; and (2) it is the policy of the entity to conduct a background check of volunteers or employees as applicable, that meets ~~the~~ ~~(1)~~ the requirements prescribed by the regulation for an exemption ~~to~~ and ~~(2)~~ any additional requirements prescribed by regulation of the State Board.

Section 13 of this bill requires the Department of Education to compile a list of entities that require a criminal background check for the purpose of employment, licensure or volunteering that the Department determines to be at least as stringent as the background check normally conducted for a volunteer at a public school. Sections 3, 8 and 12 require the governing body of a public school or the board of trustees of a school district to exempt a volunteer from a background check if: (1) the volunteer has ~~passed a background check conducted~~ been determined eligible for employment or

licensure or to serve as a volunteer by an entity included on that list ~~(that)~~; and (2) it is the policy of the entity to conduct a background check of each employee, licensee or volunteer, as applicable, that meets certain ~~(additional)~~ requirements. Sections 3, 8 and 12 additionally authorize the governing body of a public school or the board of trustees of a school district to exempt a volunteer from a background check if the volunteer has ~~passed a background check conducted by~~ been determined eligible for employment or licensure or to serve as a volunteer by an entity that is not a pre-approved entity if the background check is at least as stringent as the background check normally conducted for a volunteer at a public school. Sections 4, 9 and 14 provide that the governing body of a public school or board of trustees of a school district, as applicable, may not be held liable for damages resulting from refusal to accept such a background check.

Section 17 of this bill authorizes the administrator of a private school to exempt a volunteer from a background check if the volunteer has ~~passed~~ been determined eligible to serve in a position that requires a background check ~~(that involved)~~ which involves the submission of fingerprints to the Federal Bureau of Investigation. Section 18 of this bill provides that the governing body or administrator of a private school may not be held liable for damages resulting from the administrator's refusal to accept such a background check.

Sections 2, 7, 11 and 16 of this bill deem certain students enrolled at an institution of higher education who are taking a course that requires them to be present in a classroom not to be volunteers for purposes of the statutes requiring background checks in the same circumstances as those prescribed by the regulation adopted by the State Board.

Section 5 of this bill makes the new provisions of this bill applicable to volunteers at achievement charter schools.

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

Section 1. Chapter ~~388~~ 388A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~(2 and)~~ 1.2 to 3, inclusive, of this act.

Sec. 1.2. As used in NRS 388A.515 and sections 1.2 to 3, inclusive, of this act, the words and terms defined in sections 1.5 and 2 of this act have the meanings ascribed to them in those sections.

Sec. 1.5. 1. "Unsupervised contact" means direct contact or interaction with one or more pupils who are not under the direct supervision of an employee of a charter school or other person designated by a charter school as the person responsible for pupils.

2. For the purposes of this section:

(a) A pupil is under the direct supervision of an employee of a charter school or other person designated by a charter school as the person responsible for the pupil if the employee or other person:

(1) If indoors, is present in the same room as the pupil or has visual contact with the pupil.

(2) If outdoors, is within 30 yards of the pupil or has visual contact with the pupil.

(b) A person shall not be deemed to have unsupervised contact with pupils if he or she has the potential for only incidental unsupervised contact with pupils in commonly used areas on the grounds of a charter school.

Sec. 2. ~~1A~~ "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a charter school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of any overnight trip.

2. Does not include a student who is enrolled at an institution of higher education ~~shall not be deemed to be a volunteer for the purposes of NRS 388A.515 and is not required to submit his or her fingerprints pursuant to that section if the student~~ and is:

~~1~~ (a) Taking a course which requires the student to be present in the classroom of the charter school on a limited basis to observe and to be observed in the classroom; and

~~2~~ (b) Under direct supervision of a teacher or his or her professor at all times while in the classroom.

Sec. 3. 1. A volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 388A.515 to submit his or her fingerprints, a federal, state or local governmental entity or nonprofit entity ~~conducted an investigation into the criminal background of~~ determined the volunteer ~~for the purpose of determining whether the person is~~ to be eligible to interact with pupils at school as a volunteer ~~that~~; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of a volunteer who will interact with pupils at school and that investigation:

(1) ~~Included~~ Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board ~~;~~ and

~~(b) The person was determined eligible to interact with pupils as a volunteer after the investigation.~~

2. In addition to the exception described in subsection 1, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if the volunteer submits to the governing body a completed

verification form prescribed by the Department , a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:

(a) The volunteer is employed by a federal, state or local governmental entity which ~~conducted an investigation into the criminal background of the volunteer that:~~

~~(1) Included the submission of fingerprints to the Federal Bureau of Investigation; and~~

~~(2) Meets any other requirements prescribed by regulation of the State Board; and~~

~~(b) The employer subsequently] has determined that the person is eligible to have unrestricted interaction with pupils as part of his or her official duties, which may include an unsupervised meeting with a pupil at a school ~~+~~; and~~

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee who will have unrestricted interaction with pupils as part of his or her official duties and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

3. In addition to the exceptions described in subsections 1 and 2, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if the volunteer submits to the governing body a completed form prescribed by the Department , a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 388A.515 to submit his or her fingerprints, an entity included on the list of entities compiled by the Department pursuant to section 13 of this act ~~conducted an investigation into the criminal background of the volunteer for the purpose of employment, licensure or volunteering that:] determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and~~

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(1) ~~Included]~~ Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board . ~~]; and~~

~~(b) The entity subsequently determined that the person is eligible for employment or licensure or to serve as a volunteer.]~~

4. In addition to the exceptions described in subsections 1, 2 and 3, a volunteer who is likely to have unsupervised contact with pupils is not required

to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if:

(a) The volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

(1) Not more than 6 months before the date on which the volunteer is required by NRS 388A.515 to submit his or her fingerprints, an entity that is not included on the list of entities compiled by the Department pursuant to section 13 of this act ~~conducted an investigation into the criminal background of the volunteer for the purpose of employment, licensure or volunteering that~~ determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(2) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(I) ~~Included~~ Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(II) Meets any other requirements prescribed by regulation of the State Board; ~~and~~

~~(2) The entity subsequently determined that the person is eligible for employment or licensure or to serve as a volunteer;~~

(b) The governing body determines that the investigation described in paragraph (a) is at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to NRS 388A.515; and

(c) The governing body accepts the investigation. A governing body may, in its discretion, accept or reject an investigation described in this subsection for any reason.

5. In addition to the exceptions described in subsections 1 to 4, inclusive, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school pursuant to NRS 388A.515 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

Sec. 4. NRS 388A.515 is hereby amended to read as follows:

388A.515 1. Each applicant for employment with and employee at a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and, *except as otherwise provided in section 3 of this act*, each volunteer at a charter school who is likely to have unsupervised ~~for regular~~ contact with pupils, must, before beginning his or

her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the charter school:

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, *or* employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a charter school may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 *or subsection 5 of section 3 of this act* indicates that the applicant, employee or volunteer has not been convicted of a crime listed in NRS 388A.5342, the governing body of the charter school may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 *or subsection 5 of section 3 of this act* indicates that the applicant, employee or volunteer has been convicted of a crime listed in NRS 388A.5342, and the governing body of the charter school does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that information, the governing body shall, upon the written authorization of the applicant, employee or volunteer, forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the information pursuant to this subsection, the charter school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. Not later than 15 days after receiving the information obtained by the governing body pursuant to subsection 1 or 2 ~~or~~ *or subsection 5 of section 3 of this act*, the Superintendent of Public Instruction or the Superintendent's designee shall review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or

volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the charter school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the determination to the applicant, employee or volunteer and to the governing body of the charter school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the charter school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the charter school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a charter school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a charter school:

(a) May accept gifts, grants and donations to carry out the provisions of this section ~~†~~ and section 3 of this act.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 ~~†~~ or section 3 of this act.

Sec. 5. NRS 388B.250 is hereby amended to read as follows:

388B.250 1. Except as otherwise provided in this section, the provisions of chapter 388A of NRS are not applicable to an achievement charter school.

2. The provisions of NRS 388A.090, 388A.095, 388A.100, 388A.171, 388A.226, 388A.345, 388A.348, 388A.351, 388A.363, 388A.366, 388A.369, 388A.384, 388A.408 to 388A.420, inclusive, 388A.478 to 388A.527,

inclusive, and sections 2 and 3 of this act, 388A.547 and 388A.550 to 388A.695, inclusive, apply to an achievement charter school.

3. The governing body of an achievement charter school may submit a written request to the Superintendent of Public Instruction for a waiver from the requirements of paragraphs (f) to (k), inclusive, of subsection 1 of NRS 388A.366 or subsection 2 of that section or, except with regard to a program supported with Title I money, NRS 388A.518, 388A.521 or 388A.524. The Executive Director may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent of Public Instruction that circumstances justify the waiver and that granting the waiver is in the best interest of the pupils enrolled in the achievement charter school.

Sec. 6. Chapter 388C of NRS is hereby amended by adding thereto the provisions set forth as sections ~~7 and~~ 6.2 to 8, inclusive, of this act.

Sec. 6.2. As used in NRS 388C.200 and sections 6.2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6.5 and 7 of this act have the meanings ascribed to them in those sections.

Sec. 6.5. 1. "Unsupervised contact" means direct contact or interaction with one or more pupils who are not under the direct supervision of an employee of a university school for profoundly gifted pupils or other person designated by a university school for profoundly gifted pupils as the person responsible for pupils.

2. For the purposes of this section:

(a) A pupil is under the direct supervision of an employee of a university school for profoundly gifted pupils or other person designated by a university school for profoundly gifted pupils as the person responsible for the pupil if the employee or other person:

(1) If indoors, is present in the same room as the pupil or has visual contact with the pupil.

(2) If outdoors, is within 30 yards of the pupil or has visual contact with the pupil.

(b) A person shall not be deemed to have unsupervised contact with pupils if he or she has the potential for only incidental unsupervised contact with pupils in commonly used areas on the grounds of a university school for profoundly gifted pupils.

Sec. 7. ~~6A~~ "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a university school for profoundly gifted pupils during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include a student who is enrolled at an institution of higher education ~~shall not be deemed to be a volunteer for the purposes of NRS 388C.200 and is not required to submit his or her fingerprints pursuant to that section if the student~~ and is:

~~1.1~~ (a) Taking a course which requires the student to be present in the classroom of the university school for profoundly gifted pupils on a limited basis to observe and to be observed in the classroom; and

~~2.1~~ (b) Under direct supervision of a teacher or his or her professor at all times while in the classroom.

Sec. 8. 1. A volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 388C.200 to submit his or her fingerprints, a federal, state or local governmental entity or nonprofit entity ~~conducted an investigation into the criminal background of~~ determined the volunteer ~~for the purpose of determining whether the person is~~ to be eligible to interact with pupils at school as a volunteer ~~that~~; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of a volunteer who will interact with pupils at school and that investigation:

(1) ~~Included~~ Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board, ~~and~~

~~(b) The person was determined eligible to interact with pupils as a volunteer after the investigation.~~

2. In addition to the exception described in subsection 1, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if the volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:

(a) The volunteer is employed by a federal, state or local governmental entity which ~~conducted an investigation into the criminal background of the volunteer that:~~

~~(1) Included the submission of fingerprints to the Federal Bureau of Investigation; and~~

~~(2) Meets any other requirements prescribed by regulation of the State Board; and~~

~~(b) The employer subsequently~~ has determined that the person is eligible to have unrestricted interaction with pupils as part of his or her official duties, which may include an unsupervised meeting with a pupil at a school ~~and~~

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee who will have unrestricted interaction with pupils as part of his or her official duties and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

3. In addition to the exceptions described in subsections 1 and 2, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if the volunteer submits to the governing body a completed form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 388C.200 to submit his or her fingerprints, an entity included on the list of entities compiled by the Department pursuant to section 13 of this act ~~conducted an investigation into the criminal background of the volunteer for the purpose of employment, licensure or volunteering that~~ determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(1) Included the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board. ~~;~~ and

~~—(b) The entity subsequently determined that the person is eligible for employment or licensure or to serve as a volunteer.—~~

4. In addition to the exceptions described in subsections 1, 2 and 3, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if:

(a) The volunteer submits to the governing body a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the governing body or other sufficient evidence, or the governing body otherwise determines, that:

(1) Not more than 6 months before the date on which the volunteer is required by NRS 388C.200 to submit his or her fingerprints, an entity that is not included on the list of entities compiled by the Department pursuant to section 13 of this act ~~conducted an investigation into the criminal background of the volunteer for the purpose of employment, licensure or volunteering~~

~~that~~ determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(2) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(I) Included the submission of fingerprints to the Federal Bureau of Investigation; and

(II) Meets any other requirements prescribed by regulation of the State Board; ~~and~~

~~(2) The entity subsequently determined that the person is eligible for employment or licensure or to serve as a volunteer;~~

(b) The governing body determines that the investigation described in paragraph (a) is at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to NRS 388C.200; and

(c) The governing body accepts the investigation. A governing body may, in its discretion, accept or reject an investigation described in this subsection for any reason.

5. In addition to the exceptions described in subsections 1 to 4, inclusive, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a university school for profoundly gifted pupils pursuant to NRS 388C.200 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

Sec. 9. NRS 388C.200 is hereby amended to read as follows:

388C.200 1. ~~Each~~ Except as otherwise provided in section 8 of this act, each applicant for employment with and employee at a university school for profoundly gifted pupils, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, and each volunteer at a university school for profoundly gifted pupils who is likely to have ~~regular or~~ unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the governing body of the university school:

(a) A complete set of his or her fingerprints and written permission authorizing the governing body to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the governing body to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning

the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, the governing body of a university school for profoundly gifted pupils may cooperate with any appropriate law enforcement agency to obtain information relating to the background of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. If the information obtained by the governing body pursuant to subsection 1 or 2 *or subsection 5 of section 8 of this act* indicates that the applicant, employee or volunteer has not been convicted of a felony or an offense involving moral turpitude, the governing body of the university school for profoundly gifted pupils may employ the applicant or employee or accept the volunteer, as applicable.

4. If the information obtained by the governing body pursuant to subsection 1 or 2 *or subsection 5 of section 8 of this act* indicates that the applicant, employee or volunteer has been convicted of a felony or an offense involving moral turpitude and the governing body of the university school for profoundly gifted pupils does not disqualify the applicant or employee from employment or the volunteer from serving as a volunteer on the basis of that report, the governing body shall, upon the written authorization of the applicant, employee or volunteer forward a copy of the information to the Superintendent of Public Instruction. If the applicant, employee or volunteer refuses to provide his or her written authorization to forward a copy of the report pursuant to this subsection, the university school shall not employ the applicant or employee or accept the volunteer, as applicable.

5. The Superintendent of Public Instruction or the Superintendent's designee shall promptly review the information to determine whether the conviction of the applicant, employee or volunteer is related or unrelated to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve. The applicant, employee or volunteer shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. If the governing body of the university school desires to employ the applicant or employee or accept the volunteer, the governing body shall, upon the request of the Superintendent of Public Instruction or the Superintendent's designee, provide any further information that the Superintendent or the designee determines is necessary to make the determination. The Superintendent of Public Instruction or the Superintendent's designee shall provide written notice of the

determination to the applicant, employee or volunteer and to the governing body of the university school.

6. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is related to the position with the university school for profoundly gifted pupils for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school shall not employ the applicant or employee or accept the volunteer, as applicable. If the Superintendent of Public Instruction or the Superintendent's designee determines that the conviction of the applicant, employee or volunteer is unrelated to the position with the university school for which the applicant has applied or in which the employee is employed or the volunteer wishes to serve, the governing body of the university school may employ the applicant or employee for that position or accept the volunteer, as applicable.

7. The governing body of a university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

8. The governing body of a university school for profoundly gifted pupils:

(a) May accept any gifts, grants and donations to carry out the provisions of this section ~~{ }~~ and section 8 of this act.

(b) May not be held liable for damages resulting from any action of the governing body authorized by subsection 2 or 7 ~~{ }~~ or section 8 of this act.

Sec. 10. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~{11, 12 and}~~ 10.2 to 13, inclusive, of this act.

Sec. 10.2. As used in NRS 391.104 and sections 10.2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 10.5 and 11 of this act have the meanings ascribed to them in those sections.

Sec. 10.5. 1. "Unsupervised contact" means direct contact or interaction with one or more pupils who are not under the direct supervision of an employee of a school district or other person designated by a public school as the person responsible for pupils.

2. For the purposes of this section:

(a) A pupil is under the direct supervision of an employee of a school district or other person designated by a public school as the person responsible for the pupil if the employee or other person:

(1) If indoors, is present in the same room as the pupil or has visual contact with the pupil.

(2) If outdoors, is within 30 yards of the pupil or has visual contact with the pupil.

(b) A person shall not be deemed to have unsupervised contact with pupils if he or she has the potential for only incidental unsupervised contact with pupils in commonly used areas on the grounds of a public school.

Sec. 11. ~~1A~~ "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a public school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include a student who is enrolled at an institution of higher education ~~shall not be deemed to be a volunteer for the purposes of NRS 391.104 and is not required to submit his or her fingerprints pursuant to that section if the student~~ and is:

~~1-1~~ (a) Taking a course which requires the student to be present in the classroom of the public school on a limited basis to observe and to be observed in the classroom; and

~~2-1~~ (b) Under direct supervision of a teacher or his or her professor at all times while in the classroom.

Sec. 12. 1. A volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if the volunteer submits to the board of trustees a completed verification form prescribed by the Department , a statement from an entity described in this subsection that is acceptable to the board of trustees or other sufficient evidence, or the board of trustees otherwise determines, that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 391.104 to submit his or her fingerprints, a federal, state or local governmental entity or nonprofit entity ~~conducted an investigation into the criminal background of~~ determined the volunteer ~~for the purpose of determining whether the person is~~ to be eligible to interact with pupils at school as a volunteer ~~that~~; and

(b) It is the policy of the entity to conduct an investigation into the criminal background of a volunteer who will interact with pupils at school and that investigation:

(1) ~~Included~~ Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board ~~, and~~

~~(b) The person was determined eligible to interact with pupils as a volunteer after the investigation.~~

2. In addition to the exception described in subsection 1, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if the volunteer submits to the board of trustees a completed

verification form prescribed by the Department , a statement from an entity described in this subsection that is acceptable to the board of trustees or other sufficient evidence, or the board of trustees otherwise determines that:

(a) The volunteer is employed by a federal, state or local governmental entity which ~~conducted an investigation into the criminal background of the volunteer that:~~

~~(1) Included the submission of fingerprints to the Federal Bureau of Investigation; and~~

~~(2) Meets any other requirements prescribed by regulation of the State Board; and~~

~~(b) The employer subsequently] has determined that the person is eligible to have unrestricted interaction with pupils as part of his or her official duties, which may include an unsupervised meeting with a pupil at a school ~~ff~~; and~~

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee who will have unrestricted interaction with pupils as part of his or her official duties and that investigation:

(1) Includes the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board.

3. In addition to the exceptions described in subsections 1 and 2, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if the volunteer submits to the board of trustees a completed form prescribed by the Department , a statement from an entity described in this subsection that is acceptable to the board of trustees or other sufficient evidence, or the board of trustees otherwise determines that:

(a) Not more than 6 months before the date on which the volunteer is required by NRS 391.104 to submit his or her fingerprints, an entity included on the list of entities compiled by the Department pursuant to section 13 of this act ~~conducted an investigation into the criminal background of the volunteer for the purpose of employment, licensure or volunteering that:] determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and~~

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(1) Included the submission of fingerprints to the Federal Bureau of Investigation; and

(2) Meets any other requirements prescribed by regulation of the State Board .; and

~~(b) The entity subsequently determined that the person is eligible for employment or licensure or to serve as a volunteer.]~~

4. In addition to the exceptions described in subsections 1, 2 and 3, a volunteer who is likely to have unsupervised contact with pupils is not required

to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if:

(a) The volunteer submits to the board of trustees a completed verification form prescribed by the Department, a statement from an entity described in this subsection that is acceptable to the board of trustees or other sufficient evidence, or the board of trustees otherwise determines, that:

(1) Not more than 6 months before the date on which the volunteer is required by NRS 391.104 to submit his or her fingerprints, an entity that is not included on the list of entities compiled by the Department pursuant to section 13 of this act ~~conducted an investigation into the criminal background of the volunteer for the purpose of employment, licensure or volunteering that~~ determined the volunteer to be eligible for employment or licensure or to serve as a volunteer; and

(2) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation:

(I) Included the submission of fingerprints to the Federal Bureau of Investigation; and

(II) Meets any other requirements prescribed by regulation of the State Board; ~~and~~

~~(2) The entity subsequently determined that the person is eligible for employment or licensure or to serve as a volunteer;~~

(b) The board of trustees determines that the investigation described in paragraph (a) is at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to NRS 391.104; and

(c) The board of trustees accepts the investigation. The board of trustees of a school district may, in its discretion, accept or reject an investigation described in this subsection for any reason.

5. In addition to the exceptions described in subsections 1 to 4, inclusive, a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the board of trustees of a school district pursuant to NRS 391.104 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

Sec. 13. The Department shall compile a list of entities for which it approves a school to allow a volunteer of the entity to be a volunteer for the school without submitting fingerprints or an investigation into his or her criminal background. The Department shall:

1. Include on the list any entity that:

(a) Requires an investigation into the criminal background of a person for the purpose of employment, licensure or volunteering that the Department

determines to be at least as stringent as an investigation into the criminal background of a volunteer conducted pursuant to NRS 388A.515, 388C.200 or 391.104; and

(b) Meets any other requirements prescribed by regulation of the Department; and

2. Remove from the list any entity that the Department determines no longer meets the requirements of subsection 1.

Sec. 14. NRS 391.104 is hereby amended to read as follows:

391.104 1. ~~Each~~ Except as otherwise provided in section 12 of this act, each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised ~~for regular~~ contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has

taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and
- (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

↳ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

- (a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 ~~+~~ and *section 12 of this act.*
- (b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 ~~+~~ or *section 12 of this act.*

Sec. 15. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~14 and~~ 15.2 to 17, inclusive, of this act.

Sec. 15.2. As used in NRS 391.104 and sections 15.5 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 15.5 and 16 of this act have the meanings ascribed to them in those sections.

Sec. 15.5. 1. "Unsupervised contact" means direct contact or interaction with one or more pupils who are not under the direct supervision of an employee of a private school or other person designated by a private school as the person responsible for pupils.

2. For the purposes of this section:

(a) A pupil is under the direct supervision of an employee of a private school or other person designated by a public school as the person responsible for the pupil if the employee or other person:

(1) If indoors, is present in the same room as the pupil or has visual contact with the pupil.

(2) If outdoors, is within 30 yards of the pupil or has visual contact with the pupil.

(b) A person shall not be deemed to have unsupervised contact with pupils if he or she has the potential for only incidental unsupervised contact with pupils in commonly used areas on the grounds of a private school.

Sec. 16. ~~1A~~ "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a private school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include a student who is enrolled at an institution of higher education ~~shall not be deemed to be a volunteer for the purposes of NRS 394.155 and is not required to submit his or her fingerprints pursuant to that section if the student~~ and is:

~~1.1~~ (a) Taking a course which requires the student to be present in the classroom of the private school on a limited basis to observe and to be observed in the classroom; and

~~2.1~~ (b) Under direct supervision of a teacher or his or her professor at all times while in the classroom.

Sec. 17. 1. A volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if:

(a) The volunteer submits a statement from an entity described in this subsection that is acceptable to the administrator or other sufficient evidence to the administrator of the private school or the administrator otherwise determines that, within a time period deemed acceptable by the administrator, another entity ~~conducted~~ determined the volunteer to be eligible for employment or licensure or to serve as a volunteer;

(b) It is the policy of the entity to conduct an investigation into the criminal background of ~~the~~ an employee, licensee or volunteer ~~for the purpose of employment, licensure or volunteering~~ volunteer, as applicable, and that ~~included~~ investigation includes the submission of fingerprints to the Federal Bureau of Investigation;

~~((b) The entity subsequently determined that the person is eligible for employment, licensure or to serve as a volunteer;) and~~

(c) The administrator accepts the investigation. An administrator may, in his or her discretion, accept or reject an investigation described in this section for any reason.

2. In addition to the exceptions described in subsection 1, a volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for

submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

Sec. 18. NRS 394.155 is hereby amended to read as follows:

394.155 1. ~~Each~~ *Except as otherwise provided in section 17 of this act, each applicant for employment with or employee at a private school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, or volunteer at a private school who is likely to have unsupervised ~~for regular~~ contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the administrator of the private school:*

(a) A complete set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the administrator to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. The administrator of the private school shall:

(a) Submit the fingerprints of the applicant to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the administrator deems necessary; and

(b) Request any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

3. In conducting an investigation into the criminal history of an applicant, employee or volunteer, the administrator of a private school may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants or applications for protective orders.

4. The administrator or governing body of a private school may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) In making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

5. The administrator or governing body of a private school may not be held liable for damages resulting from taking any action authorized by subsection 3 or 4 ~~of~~ *or section 17 of this act.*

Sec. 19. 1. The regulation adopted by the State Board of Education, LCB File No. R016-18, is hereby declared to be void and unenforceable on the effective date of this act. In preparing supplements to the Nevada Administrative Code on or after the effective date of this act, the Legislative Counsel shall remove that regulation.

2. Any person authorized to serve as a volunteer at a public school, including, without limitation, a charter school or university school for profoundly gifted pupils, or a private school under the provisions of the regulation adopted by the State Board of Education, LCB File No. R016-18, shall be deemed to have been authorized to serve in that capacity under the provisions of this act.

Sec. 20. This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 167 to Senate Bill No. 185 adds language to clarify that the background check requirement of the bill applies to a school volunteer who wishes to volunteer at a school, a school event or a school activity. It requires all coaches, assistant coaches, directors of school activities and chaperones for overnight trips to undergo a background check before they may serve as school volunteers. It defines the term "unsupervised contact" for purposes of the provisions of the bill requiring background checks for school volunteers who are likely to have unsupervised contact with pupils. It expressly allows a person to submit a statement from the entity which determines that the school volunteers eligible to work with the pupils as volunteers if the statement is deemed adequate by the applicant, applicable school district or governing body of the school. It ensures provisions do not require any entity or employer to share in violation of federal law any protecting information concerning any previous background checks conducted for a school volunteer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 230.

Bill read second time.

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

Amendment No. 521.

SUMMARY—Revises provisions relating to certain real estate professions. (BDR 54-311)

AN ACT relating to real estate; revising provisions relating to ~~the contents of~~ advertisements by real estate licensees; ~~revising provisions governing the information which must be included in an application for a license as real estate broker, real estate broker salesperson or real estate salesperson; requiring certain information to be shown on a real estate license under certain circumstances;~~ revising educational requirements which must be satisfied by an applicant for licensure as a real estate salesperson, real estate broker or real

estate broker-salesperson; revising provisions governing the maintenance of certain licenses by real estate brokers and owner-developers; revising provisions governing certain regulations of the Real Estate Commission relating to the curriculum and subject matter of continuing education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law requires certain information to be included in an application for a license as a real estate broker, real estate broker-salesperson or real estate salesperson. (NRS 645.350) Section 2 of this bill requires an application to include the nickname of an applicant if he or she intends to use that nickname in the course of business.~~

~~Existing law sets forth certain required contents for a license issued by the Real Estate Division of the Department of Business and Industry. (NRS 645.520) Section 3 of this bill requires the licensee to show the nickname of the licensee if a nickname was provided in his or her application for the license.~~

Existing law sets forth certain requirements for advertisements by persons who are licensed by the Real Estate Division ~~of the Department of Business and Industry~~ (NRS 645.315) Section 1 of this bill: (1) requires a licensee to include his or her license number in any such advertisement; and (2) ~~authorizes~~ requires the Real Estate Commission to establish by regulation the conditions and limitations under which a licensee ~~to~~ may advertise under a nickname ~~which is set forth on his or her license.~~

Existing law sets forth certain educational requirements which must be satisfied by an applicant for licensure as a real estate salesperson, real estate broker or real estate broker-salesperson. (NRS 645.343) Section 3.5 of this bill: (1) establishes a minimum number of total hours of instruction which must be included in a course of instruction for licensure as a real estate salesperson; and (2) requires an applicant for licensure as a real estate salesperson, real estate broker or real estate broker-salesperson to complete a minimum number of hours of instruction on agency and the preparation of contracts for real estate transactions. Under section 6.5 of this bill, these requirements apply only to a person who submits an application for licensure to the Real Estate Division on or after July 1, 2019.

Existing law requires a real estate broker or owner-developer to prominently display in his or her place of business the licenses of all real estate broker-salespersons and real estate salespersons who are associated with the broker or employed by the owner-developer, as applicable. (NRS 645.530) Section 4 of this bill eliminates that requirement and instead requires the licenses to be kept in a secure manner and, upon request, made available for inspection by the public and the Real Estate Division during usual business hours.

Existing law authorizes the Real Estate Commission to establish by regulation a postlicensing curriculum of continuing education which must be completed by a person within the first year immediately after initial licensing

of the person. (NRS 645.575) Section 5 of this bill: (1) requires the Commission to adopt regulations which require a minimum of 36 hours of continuing education, set forth certain subject matter in continuing education which must be completed by certain licensees and provide for an exemption from such subject matter requirements for a person who is 70 years of age or older and who has been licensed in good standing as a real estate broker, real estate broker-salesperson or real estate salesperson in this State for 30 years or more; ~~and~~ (2) ~~authorizes~~ requires the postlicensing curriculum to be completed within the first year immediately after the initial license period rather than the first year immediately after initial licensing; (3) requires the regulations adopted by the Commission to ~~adopt regulations which require a person to complete~~ establish the postlicensing curriculum ~~before the person may list or write a contract for the sale of a parcel of real estate.~~ to set forth the period within which each module of the postlicensing curriculum is required to be completed; and (4) authorizes the Commission to establish a different period within which each module of the postlicensing curriculum is required to be completed and authorizes such a period to be less than 1 year.

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

Section 1. NRS 645.315 is hereby amended to read as follows:

645.315 1. In any advertisement through which a licensee offers to perform services for which a license is required pursuant to this chapter, the licensee shall ~~not~~ *include his or her license number and:*

(a) If the licensee is a real estate broker, disclose the name of any brokerage under which the licensee does business; or

(b) If the licensee is a real estate broker-salesperson or real estate salesperson, disclose the name of the brokerage with whom the licensee is associated.

2. If a licensee is a real estate broker-salesperson or real estate salesperson, the licensee shall not advertise solely under the licensee's own name when acting in the capacity as a broker-salesperson or salesperson. All such advertising must be done under the direct supervision of and in the name of the brokerage with whom the licensee is associated.

3. ~~Except as otherwise provided in this section,~~ *The Commission shall by regulation establish the conditions and limitations under which a licensee may advertise under a nickname, which is set forth on his or her license.*

Sec. 2. ~~NRS 645.350 is hereby amended to read as follows:~~

~~645.350 1. An application for a license as a real estate broker, broker salesperson or salesperson must be submitted in writing to the Division upon blanks prepared or furnished by the Division.~~

~~2. Every application for a real estate broker's, broker salesperson's or salesperson's license must set forth the following information:~~

~~(a) The name, age and address of the applicant. If the applicant is a natural person who intends to use his or her nickname in the course of business, the application must contain that nickname. If the applicant is a partnership or an~~

~~association which is applying to do business as a real estate broker, the application must contain the name and address of each member thereof. If the application is for a corporation which is applying to do business as a real estate salesperson, real estate broker salesperson or real estate broker, the application must contain the name and address of each officer and director thereof. If the applicant is a limited liability company which is applying to do business as a real estate broker, the company's articles of organization must designate a manager, and the name and address of the manager and each member must be listed in the application.~~

~~—(b) In the case of a broker, the name under which the business is to be conducted. The name is a fictitious name if it does not contain the name of the applicant or the names of the members of the applicant's company, firm, partnership or association. Except as otherwise provided in NRS 645.387, a license must not be issued under a fictitious name which includes the name of a real estate salesperson or broker salesperson. A license must not be issued under the same fictitious name to more than one licensee within the State. All licensees doing business under a fictitious name shall comply with other pertinent statutory regulations regarding the use of fictitious names.~~

~~—(c) In the case of a broker, the place or places, including the street number, city and county, where the business is to be conducted.~~

~~—(d) The business or occupation engaged in by the applicant for at least 2 years immediately preceding the date of the application, and the location thereof.~~

~~—(e) The time and place of the applicant's previous experience in the real estate business as a broker or salesperson.~~

~~—(f) Whether the applicant has ever been convicted of or is under indictment for a felony or has entered a plea of guilty, guilty but mentally ill or nolo contendere to a charge of felony and, if so, the nature of the felony.~~

~~—(g) Whether the applicant has been convicted of or entered a plea of nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in the business of selling real estate without a license or any crime involving moral turpitude.~~

~~—(h) Whether the applicant has been refused a real estate broker's, broker salesperson's or salesperson's license in any state, or whether his or her license as a broker or salesperson has been revoked or suspended by any other state, district or territory of the United States or any other country.~~

~~—(i) If the applicant is a member of a limited liability company, partnership or association, or an officer of a corporation, the name and address of the office of the limited liability company, partnership, association or corporation of which the applicant is a member or officer.~~

~~—(j) All information required to complete the application.~~

~~3. An applicant for a license as a broker salesperson or salesperson shall provide a verified statement from the broker with whom the applicant will be associated, expressing the intent of that broker to associate the applicant with the broker and to be responsible for the applicant's activities as a licensee.~~

~~4. If a limited liability company, partnership or association is to do business as a real estate broker, the application for a broker's license must be verified by at least two members thereof. If a corporation is to do business as a real estate broker, the application must be verified by the president and the secretary thereof.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 645.520 is hereby amended to read as follows:~~

~~645.520 1. The Division shall issue to each licensee a license in such form and size as is proscribed by the Division.~~

~~2. Each license must:~~

~~(a) Show the name and address of the licensee [,] and [in] , if provided in his or her application for the license pursuant to NRS 645.350, the nickname of the licensee.~~

~~(b) In the case of a real estate broker-salesperson's or salesperson's license , show the name of the real estate broker with whom he or she will be associated.~~

~~[(b)] (c) Have imprinted thereon the seal of the Division.~~

~~[(c)] (d) Contain any additional matter proscribed by the Division.~~

~~3. No real estate broker-salesperson or salesperson may be associated with or employed by more than one broker or owner-developer at the same time.] (Deleted by amendment.)~~

Sec. 3.5. NRS 645.343 is hereby amended to read as follows:

645.343 1. In addition to the other requirements contained in this chapter, an applicant for an original real estate salesperson's license must furnish proof satisfactory to the Real Estate Division that the applicant has successfully completed a course of instruction which consists of not less than 120 hours of instruction in the principles, practices, procedures, law and ethics of real estate, which course may be an extension or correspondence course offered by the Nevada System of Higher Education, by any other accredited college or university or by any other college or school approved by the Commission. The course of instruction must include ~~the~~ :

(a) The subject of disclosure of required information in real estate transactions, including instruction on methods a seller may use to obtain the required information, ~~it~~ ;

(b) Not less than 15 hours of instruction in the preparation of contracts in real estate transactions to the extent allowed in the capacity of a licensee; and

(c) Not less than 15 hours of instruction on agency.

2. An applicant for an original real estate broker's or broker-salesperson's license must furnish proof satisfactory to the Real Estate Division that the applicant has successfully completed : ~~[45 semester units or the equivalent in quarter units of college level courses which include:]~~

(a) Three semester units or an equivalent number of quarter units in real estate law, including at least 18 classroom hours of the real estate law of Nevada ~~[and another course of equal length] ;~~

(b) Three semester units or an equivalent number of quarter units in the principles of real estate;

~~[(b)]~~ (c) Nine semester units or the equivalent in quarter units of college level courses in real estate appraisal and business or economics;

~~[(c)]~~ (d) Nine semester units or the equivalent in quarter units of college level courses in real estate, business or economics; ~~and~~

~~[(d)]~~ (e) Three semester units or an equivalent number of quarter units in broker management ~~and~~;

(f) Not less than one semester unit or an equivalent number of quarter units of instruction in the preparation of contracts in real estate transactions to the extent allowed in the capacity of a licensee; and

(g) Not less than one semester unit or an equivalent number of quarter units of instruction on agency.

3. On and after January 1, 1986, in addition to other requirements contained in this chapter, an applicant for an original real estate broker's or broker-salesperson's license must furnish proof satisfactory to the Real Estate Division that the applicant has completed 64 semester units or the equivalent in quarter units of college level courses. This educational requirement includes and is not in addition to the requirements listed in subsection 2.

4. For the purposes of this section, each person who holds a license as a real estate broker, broker-salesperson or salesperson, or an equivalent license, issued by a state or territory of the United States, or the District of Columbia, is entitled to receive credit for the equivalent of 16 semester units of college level courses for each 2 years of active experience that, during the immediately preceding 10 years, the person has obtained while he or she has held such a license, not to exceed 8 years of active experience. This credit may not be applied against the requirement in subsection 2 for three semester units or an equivalent number of quarter units in broker management or 18 classroom hours of the real estate law of Nevada.

5. An applicant for a broker's license pursuant to NRS 645.350 must meet the educational prerequisites applicable on the date his or her application is received by the Real Estate Division.

6. As used in this section, "college level courses" are courses offered by any accredited college or university or by any other institution which meet the standards of education established by the Commission. The Commission may adopt regulations setting forth standards of education which are equivalent to the college level courses outlined in this subsection. The regulations may take into account the standard of instructors, the scope and content of the instruction, hours of instruction and such other criteria as the Commission requires.

Sec. 4. NRS 645.530 is hereby amended to read as follows:

645.530 1. The license of each real estate broker-salesperson or salesperson must be delivered or mailed to the real estate broker with whom the licensee is associated or to the owner-developer by whom the licensee is employed and must be kept in the custody and control of the broker or owner developer.

2. Each real estate broker shall:

(a) Display his or her license conspicuously in the broker's place of business. If a real estate broker maintains more than one place of business within the State, an additional license must be issued to the broker for each branch office so maintained by the broker, and the additional license must be displayed conspicuously in each branch office.

(b) ~~Prominently display~~ *Maintain* in his or her place of business the licenses of all real estate broker-salespersons and salespersons associated with him or her therein or in connection therewith. *The licenses must be kept in a secure manner and, upon request, made available for inspection by the public and the Division during usual business hours.*

3. Each owner-developer shall ~~prominently display~~ *maintain* in his or her place of business the license of each real estate broker-salesperson and salesperson employed by him or her. *The licenses must be kept in a secure manner and, upon request, made available for inspection by the public and the Division during usual business hours.*

Sec. 5. NRS 645.575 is hereby amended to read as follows:

645.575 1. The Commission shall adopt regulations that prescribe the standards for the continuing education of persons licensed pursuant to this chapter.

2. The standards adopted pursuant to subsection 1 must ~~permit~~ :

(a) Require a minimum of 36 hours of continuing education; and
(b) Permit alternatives of subject material, taking cognizance of specialized areas of practice and alternatives in sources of programs considering availability in area and time. The standards must include, where qualified, generally accredited educational institutions, private vocational schools, educational programs and seminars of professional societies and organizations, other organized educational programs on technical subjects, or equivalent offerings. The Commission shall qualify only those educational courses that it determines address the appropriate subject matter and are given by an accredited university or community college. Subject to the provisions of this section, the Commission has exclusive authority to determine what is an appropriate subject matter for qualification as a continuing education course.

3. In addition to any other standards for continuing education that the Commission adopts by regulation pursuant to this section, the Commission ~~may~~ :

(a) Shall, without limitation, adopt by regulation standards for continuing education that set forth certain mandatory subject matter which must be completed by every person who is licensed as a real estate broker, real estate broker-salesperson or real estate salesperson. Standards which are adopted pursuant to this section must authorize a person who is 70 years of age or older ~~and has been licensed as a real estate broker, real estate broker-salesperson or real estate salesperson for 30 years or longer~~ to apply to the Division for an exemption from any requirement to complete continuing education other than the mandatory subject matter which is set forth in regulations adopted pursuant to this paragraph ~~+~~ if the person has been

licensed in good standing as a real estate broker, real estate broker salesperson or real estate salesperson in this State for 30 years or longer at the time of his or her application for an exemption.

(b) May, without limitation, adopt by regulation standards for continuing education that:

~~{(a)}~~ (1) Establish a postlicensing curriculum of continuing education which must be completed by a person within the first year immediately after the initial ~~{licensing of the person.~~

~~—(b)}~~ license period. The regulations adopted pursuant to this paragraph must set forth the period within which the person must complete each module of the postlicensing curriculum and may establish different periods within which each module of the postlicensing curriculum must be completed including, without limitation, a period of less than 1 year.

~~___(2) {Require a person to complete the postlicensing curriculum of continuing education established by the Commission pursuant to subparagraph (1) before the person may list or write a contract for the sale of a parcel of real estate. The person may engage in any other activity which is authorized by his or her license and this chapter and the regulations adopted pursuant thereto.~~

~~—(3)}~~ Require a person whose license as a real estate broker or real estate broker-salesperson has been placed on inactive status for any reason for 1 year or more or has been suspended or revoked to complete a course of instruction in broker management that is designed to fulfill the educational requirements for issuance of a license which are described in paragraph ~~{(d)}~~ (e) of subsection 2 of NRS 645.343, before the person's license is reissued or reinstated.

4. Except as otherwise provided in this subsection ~~{,}~~ and regulations adopted pursuant to paragraph (a) of subsection 3, the license of a real estate broker, broker-salesperson or salesperson must not be renewed or reinstated unless the Administrator finds that the applicant for the renewal license or for reinstatement to active status has completed the continuing education required by this chapter. Any amendment or repeal of a regulation does not operate to prevent an applicant from complying with this section for the next licensing period following the amendment or repeal.

Sec. 6. ~~{1. Any person who is initially licensed by the Real Estate Division of the Department of Business and Industry pursuant to chapter 645 of NRS before July 1, 2019, is exempt from regulations adopted by the Commission pursuant to paragraph (b) of subsection 3 of section 5 of this act.~~

~~—2. The Real Estate Commission may exempt any person who is initially licensed by the Real Estate Division of the Department of Business and Industry pursuant to chapter 645 of NRS on or after July 1, 2019, and before the effective date of regulations adopted by the Commission pursuant to paragraph (b) of subsection 3 of section 5 of this act from the applicability of those regulations.} (Deleted by amendment.)~~

Sec. 6.5. The amendatory provisions of section 3.5 of this act apply only to an applicant who submits an application for licensure to the Real Estate Division of the Department of Business and Industry on or after July 1, 2019.

Sec. 7. This act becomes effective on July 1, 2019.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 521 to Senate Bill No. 230 requires the Real Estate Commission to establish regulations setting forth the conditions and limitations under which a licensee may advertise under a nickname. It deletes sections 2 and 3 of the bill, which require an applicant who intends to use his or her nickname to submit the nickname in the application. It adds a new section to clarify prelicensing education requirements for certain licensees and amends section 5 to clarify the postlicensing curriculum. It also makes conforming changes declaring that prelicensing education requirements apply only to a person that applies for a licensure on or after July 1, 2019.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 360.

SUMMARY—~~[Revises provisions relating to]~~ Requires an interim study concerning the development of certain golf courses. (BDR ~~[22-60]~~ S-60)

AN ACT relating to property; ~~[establishing certain requirements for the conversion of land used as a residential golf course to another use; establishing requirements for the maintenance of certain]~~ directing the Legislative Commission to appoint a committee to conduct an interim study concerning the development of residential golf courses; ~~[subjecting a residential golf course to a restrictive covenant enforceable by certain owners of land surrounding the residential golf course; authorizing such owners of land to bring an action to recover a diminution in value of the land as a result of the conversion of a residential golf course;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the governing bodies of cities and counties to regulate and restrict the improvement of land and to control the location and soundness of structures. (NRS 278.020) This bill imposes various requirements on the conversion of land used as a residential golf course to any other use.]~~ Section ~~[2]~~ 1 of this bill requires the Legislative Commission to appoint a committee to conduct an interim study concerning the development of residential golf courses. Section 1 generally defines the term "residential golf course" to mean certain land used for golfing or golfing practice that is located within ~~[2,000]~~ 750 feet of a lot or parcel of land ~~[used]~~ zoned for residential ~~[purposes]~~.

~~[Section 3 of this bill requires an owner of a residential golf course who wishes to convert the land to any other use to provide notice to certain owners]~~

~~of surrounding land and hold two neighborhood meetings. Section 3 also requires the governmental entity whose approval is necessary for such a conversion to require, as a condition of the approval: (1) the owner to prove that the operation of the residential golf course is not financially viable; (2) the owner to conduct an environmental impact study; (3) 35 percent of the converted land to be open space land; and (4) certain setbacks for buildings on the converted land.~~

~~Section 4 of this bill requires the owner of a residential golf course that discontinues daily operation or maintenance of the residential golf course to: (1) provide notice to certain owners of surrounding land; and (2) continue maintenance on the residential golf course in accordance with procedures and standards adopted by the governing body of the city or county.~~

~~A restrictive covenant is a "private agreement, usually in a deed or lease, that restricts the use or occupancy of real property." (20 Am. Jur. 2d Covenants, Etc. § 148 (2019)) Though usually a private agreement in a deed or lease, common law restrictive covenants may also arise by implication in certain circumstances involving a common development scheme. The Nevada Supreme Court has not "acknowledged implied restrictive covenants in the context of a common development scheme, nor has it stated that one exists under Nevada law." (Frederic & Barbara Rosenberg Living Trust v. MacDonald Highlands Realty, LLC, 134 Nev. Adv. Op. 69, 427 P.3d 104, 110 (2018)) Section 5 of this bill provides that a residential golf course is deemed to be subject to a restrictive covenant that restricts the use of the land to a residential golf course. Certain owners of land surrounding the residential golf course are authorized to enforce the restrictive covenant.~~

~~Section 6 of this bill authorizes certain owners of land surrounding a residential golf course that has been converted to any other use to bring an action to recover the diminution in value of their land caused by such a conversion.] use. Section 1 also requires the committee to: (1) consult with and solicit input from persons with expertise in matters relevant to the development of residential golf courses; and (2) submit a report of its findings and any recommendations to the Legislature.~~

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

Delete existing sections 1 through 10 of this act and replace with the following new sections 1 and 2:

Section 1. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the development of residential golf courses.

2. The committee must be composed of:

(a) Two members of the Legislature appointed by the Majority Leader of the Senate;

(b) Two members of the Legislature appointed by the Speaker of the Assembly;

(c) One member of the Legislature appointed by the Minority Leader of the Senate; and

(d) One member of the Legislature appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and a Vice Chair from among the members of the interim committee.

4. In conducting the study, the committee shall:

(a) Examine, research and identify the procedures available in this State and other states for the conversion of land used as a residential golf course to any other use; and

(b) Consider how such procedures should involve affected local governments, owners of residential golf courses and the residents of affected communities.

5. The committee shall consult with and solicit input from persons with expertise in matters relevant to the development of residential golf courses, including, without limitation:

(a) A representative of a local governmental entity that regulates planning, zoning and the development of land;

(b) A representative of a business that develops residential golf courses;

(c) A representative of persons who live in communities with residential golf courses;

(d) A representative of the Real Property Section of the State Bar of Nevada; and

(e) Any other person the committee deems appropriate.

6. The committee shall submit a report of its findings, including, without limitation, any recommendations for legislation, to the 81st Session of the Nevada Legislature.

7. As used in this section:

(a) "Residential golf course" means a lot or parcel of land that:

(1) May be used for golfing or golfing practice by the public or by the members and guests of a private club; and

(2) Is located within 750 feet of a lot or parcel of land that is zoned for residential use.

(b) "Residential golf course" does not include:

(1) A commercial golf driving range that is not operated in conjunction with a golf course;

(2) A clubhouse, pro shop, restaurant or other building that is associated with a golf course; or

(3) A lot or parcel owned by a person or an affiliate of a person who holds a state gaming license for a resort hotel, as defined in NRS 463.01865.

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

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 360 to Senate Bill No. 251 relates to residential golf courses. It deletes most of the bill and, instead, requires the Legislative Commission to appoint a committee to conduct an interim study concerning the development of residential golf courses.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 276.

Bill read second time.

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

Amendment No. 404.

SUMMARY—~~[Revises provisions relating to]~~ Directs the Legislative Commission to appoint a committee to conduct an interim study concerning the costs of prescription drugs. (BDR 57-599)

AN ACT relating to prescription drugs; ~~[prohibiting a pharmacy benefit manager or insurer from accepting remuneration from a manufacturer]~~ directing the Legislative Commission to appoint a committee to conduct an interim study concerning the costs of prescription drugs in this State; ~~[except in certain circumstances];~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~—[Existing law prohibits a pharmacy benefit manager from engaging in certain activity, including charging a copayment or coinsurance for a prescription drug in an amount that is greater than the total amount paid to a pharmacy that is in the applicable network of providers. (NRS 683A.179) Section 1 of this bill additionally prohibits a pharmacy benefit manager from accepting from the manufacturer of a prescription drug a rebate or reduction in price in connection with the sale of the prescription drug unless the full value of the rebate or reduction in price is applied to the price paid by the person to whom the drug is dispensed. Section 1 also prescribes the conditions under which a pharmacy benefit manager may accept other remuneration from a manufacturer. Sections 4, 21 and 23 of this bill prohibit an insurer, including a local government employer, the Public Employee Benefits Program and the Medicaid program, from accepting: (1) a rebate or reduction in price from a manufacturer under similar circumstances as prohibited by section 1 for a pharmacy benefit manager; or (2) any other remuneration from a manufacturer. Sections 2, 3, 5 20 and 22 of this bill make conforming changes.] This bill directs the Legislative Commission to appoint a committee to conduct an interim study concerning the issue of the costs of prescription drugs in this State and the impact of rebates, reductions in price and other remuneration from drug manufacturers on prescription drug prices.~~

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

Section 1. ~~[Chapter 683A of NRS is hereby amended by adding thereto a~~

~~new section to read as follows:~~

~~1. Except as authorized by this section, a pharmacy benefit manager shall not accept from a manufacturer a rebate, reduction in price or other remuneration in connection with the sale of a prescription drug to be dispensed in this State.~~

~~2. A pharmacy benefit manager may accept a rebate or reduction in price described in subsection 1 if:~~

~~(a) The value of the rebate or reduction in price is set forth in a contract between the pharmacy benefit manager and the manufacturer; and~~

~~(b) The full value of the rebate or reduction in price is paid to the dispensing pharmacy and applied to the price paid by the covered person to whom the drug is dispensed.~~

~~3. A pharmacy benefit manager may accept remuneration from a manufacturer for services provided to the manufacturer in connection with agreements between the pharmacy benefit manager and a pharmacy benefits plan or multiple pharmacy benefits plans if:~~

~~(a) The value of the remuneration is set forth in a contract between the pharmacy benefit manager and the manufacturer that:~~

~~(1) Covers all of the services provided by the pharmacy benefit manager to the manufacturer in connection with the plan or plans; and~~

~~(2) Specifies each such service to be provided by the pharmacy benefit manager to the manufacturer and the remuneration to be paid for each such service;~~

~~(b) The amount of the remuneration is consistent with the fair market value of the services and is not determined in a manner that takes into account the volume or value of any referrals or business otherwise generated between the parties or the manufacturer and the pharmacy benefits plan or multiple pharmacy benefits plans; and~~

~~(c) The remuneration is paid in fixed payments that are not based on a percentage of sales.~~

~~4. A pharmacy benefit manager shall disclose in writing to a pharmacy benefits plan with which it contracts at least annually, and to the Commissioner upon request, the services provided to each manufacturer in connection with an agreement between the pharmacy benefit manager and the pharmacy benefits plan.~~

~~5. As used in this section, "manufacturer" has the meaning ascribed to it in NRS 639.009.] (Deleted by amendment.)~~

Sec. 2. [NRS 683A.171 is hereby amended to read as follows:

~~683A.171 As used in NRS 683A.171 to 683A.179, inclusive, unless the context otherwise requires, the words and terms defined in NRS 683A.172 to 683A.176, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 3. [NRS 683A.177 is hereby amended to read as follows:

~~683A.177 1. Except as otherwise provided in subsection 2, the requirements of NRS 683A.171 to 683A.179, inclusive, and section 1 of this~~

~~act and any regulations adopted by the Commissioner pursuant thereto do not apply to the coverage of prescription drugs under a plan that is subject to the Employee Retirement Income Security Act of 1974 or any information relating to such coverage.~~

~~2. A plan described in subsection 1 may, by contract, require a pharmacy benefit manager that manages the coverage of prescription drugs under the plan to comply with the requirements of NRS 683A.171 to 683A.179, inclusive, and section 1 of this act and any regulations adopted by the Commissioner pursuant thereto. (Deleted by amendment.)~~

Sec. 4. ~~[Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Except as authorized by this section, a health carrier shall not accept from a manufacturer or a pharmacy benefit manager a rebate, reduction in the price paid for a prescription drug to be dispensed in this State or other remuneration in connection with the sale of a prescription drug to be dispensed in this State.~~

~~2. A health carrier may accept a rebate or reduction in price described in subsection 1 if:~~

~~(a) The value of the rebate or reduction in price is set forth in a contract between the manufacturer and the health carrier or a pharmacy benefit manager working on behalf of the health carrier; and~~

~~(b) The full value of the rebate or reduction in price is paid to the dispensing pharmacy and applied to the price paid by the covered person to whom the drug is dispensed.~~

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

~~(a) "Health carrier" has the meaning ascribed to it in NRS 695G.024.~~

~~(b) "Manufacturer" has the meaning ascribed to it in NRS 639.009.~~

~~(c) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174. (Deleted by amendment.)~~

Sec. 5. ~~[NRS 686A.020 is hereby amended to read as follows:~~

~~686A.020 A person shall not engage in this state in any practice which is defined in NRS 686A.010 to 686A.310, inclusive, and section 4 of this act, as, or determined pursuant to NRS 686A.170 to be, an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 686A.160 is hereby amended to read as follows:~~

~~686A.160 If the Commissioner has cause to believe that any person has been engaged or is engaging, in this state, in any unfair method of competition or any unfair or deceptive act or practice prohibited by NRS 686A.010 to 686A.310, inclusive, and section 4 of this act, and that a proceeding by the Commissioner in respect thereto would be in the interest of the public, the Commissioner may issue and serve upon such person a statement of the charges and a notice of the hearing to be held thereon. The statement of charges and notice of hearing shall comply with the requirements of NRS 679B.320~~

~~and shall be served upon such person directly or by certified or registered mail, return receipt requested.] (Deleted by amendment.)~~

~~Sec. 7. [NRS 686A.170 is hereby amended to read as follows:~~

~~— 686A.170 1. If the Commissioner believes that any person engaged in the insurance business is in the conduct of such business engaging in this state in any method of competition or in any act or practice not defined in NRS 686A.010 to 686A.310, inclusive, and section 4 of this act which is unfair or deceptive and that a proceeding by the Commissioner in respect thereto would be in the public interest, the Commissioner shall, after a hearing of which notice and of the charges against such person are given to the person, make a written report of the findings of fact relative to such charges and serve a copy thereof upon such person and any intervener at the hearing.~~

~~— 2. If such report charges a violation of NRS 686A.010 to 686A.310, inclusive, and section 4 of this act and if such method of competition, act or practice has not been discontinued, the Commissioner may, through the Attorney General, at any time after 20 days after the service of such report cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business to enjoin and restrain such person from engaging in such method, act or practice. The court shall have jurisdiction of the proceeding and shall have power to make and enter appropriate orders in connection therewith and to issue such writs or orders as are ancillary to its jurisdiction or necessary in its judgment to prevent injury to the public pendente lite; but the State of Nevada shall not be required to give security before the issuance of any such order or injunction under this section. If a stenographic record of the proceedings in the hearing before the Commissioner was made, a certified transcript thereof including all evidence taken and the report and findings shall be received in evidence in such action.~~

~~— 3. If the court finds that:~~

~~— (a) The method of competition complained of is unfair or deceptive;~~

~~— (b) The proceedings by the Commissioner with respect thereto are to the interest of the public; and~~

~~— (c) The findings of the Commissioner are supported by the weight of the evidence;~~

~~— it shall issue its order enjoining and restraining the continuance of such method of competition, act or practice.~~

~~— 4. Either party may appeal from such final judgment or order or decree of court in a like manner as provided for appeals in civil cases.~~

~~— 5. If the Commissioner's report made under subsection 1 or order on hearing made under NRS 679B.360 does not charge a violation of NRS 686A.010 to 686A.310, inclusive, and section 4 of this act, then any intervener in the proceedings may appeal therefrom within the time and in the manner provided in this Code for appeals from the Commissioner generally.~~

~~— 6. Upon violation of any injunction issued under this section, the Commissioner, after a hearing thereon, may impose the appropriate penalties provided for in NRS 686A.187.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 686A.183 is hereby amended to read as follows:~~

~~686A.183 1. After the hearing provided for in NRS 686A.160, the Commissioner shall issue an order on hearing pursuant to NRS 679B.360. If the Commissioner determines that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice in violation of NRS 686A.010 to 686A.310, inclusive, and section 4 of this act, the Commissioner shall order the person to cease and desist from engaging in that method of competition, act or practice, and may order one or both of the following:~~

~~(a) If the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive, and section 4 of this act, payment of an administrative fine of not more than \$5,000 for each act or violation, except that as to licensed agents, brokers, solicitors and adjusters, the administrative fine must not exceed \$500 for each act or violation.~~

~~(b) Suspension or revocation of the person's license if the person knew or reasonably should have known that he or she was in violation of NRS 686A.010 to 686A.310, inclusive [.] , and section 4 of this act.~~

~~2. Until the expiration of the time allowed for taking an appeal, pursuant to NRS 679B.370, if no petition for review has been filed within that time, or, if a petition for review has been filed within that time, until the official record in the proceeding has been filed with the court, the Commissioner may, at any time, upon such notice and in such manner as the Commissioner deems proper, modify or set aside, in whole or in part, any order issued by him or her under this section.~~

~~3. After the expiration of the time allowed for taking an appeal, if no petition for review has been filed, the Commissioner may at any time, after notice and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any order issued by him or her under this section whenever in the opinion of the Commissioner conditions of fact or of law have so changed as to require such action or if the public interest so requires.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 686A.270 is hereby amended to read as follows:~~

~~686A.270 No insurer shall be held guilty of having committed any of the acts prohibited by NRS 686A.010 to 686A.310, inclusive, and section 4 of this act by reason of the act of any agent, solicitor or employee not an officer, director or department head thereof, unless an officer, director or department head of the insurer has knowingly permitted such act or has had prior knowledge thereof.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 686A.520 is hereby amended to read as follows:~~

~~686A.520 1. The provisions of NRS 683A.341, 683A.451, 683A.461, 683A.480 and 686A.010 to 686A.310, inclusive, and section 4 of this act apply to companies.~~

~~2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "company.".] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 688C.175 is hereby amended to read as follows:
 688C.175 1. Persons engaged in the business of viatical settlements are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:
 (a) NRS 679B.230 to 679B.300, inclusive, concerning examinations of insurers;
 (b) NRS 679B.310 to 679B.370, inclusive, concerning hearings regarding insurers and employees of insurers;
 (c) Chapter 680A of NRS;
 (d) Chapter 683A of NRS;
 (e) NRS 686A.010 to 686A.310, inclusive, and section 4 of this act concerning trade practices and frauds;
 2. Nothing in this chapter or elsewhere in this title preempts or otherwise limits the provisions of chapter 90 of NRS, or of any rules, regulations or orders issued by or through the Administrator of the Securities Division of the Office of the Secretary of State or the Administrator's designee acting pursuant to the authority granted by chapter 90 of NRS.
 3. Compliance with the provisions of this chapter does not constitute compliance with any applicable provisions of chapter 90 of NRS or with any rule, regulation or order adopted or issued thereunder.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 689.595 is hereby amended to read as follows:
 689.595 1. The provisions of NRS 683A.341, 683A.451, 683A.461, 683A.480 and 686A.010 to 686A.310, inclusive, and section 4 of this act apply to agents and sellers.
 2. For the purposes of subsection 1, unless the context requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "agent" and "seller."
 3. The provisions of NRS 679B.230 to 679B.300, inclusive, apply to sellers. Unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "seller."] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 695B.320 is hereby amended to read as follows:
 695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, and section 4 of this act, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.
 2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 695C.300 is hereby amended to read as follows:~~

~~695C.300 1. No health maintenance organization or representative thereof may cause or knowingly permit the use of advertising which is untrue or misleading, solicitation which is untrue or misleading or any form of evidence of coverage which is deceptive. For purposes of this chapter:~~

~~(a) A statement or item of information shall be deemed to be untrue if it does not conform to fact in any respect which is or may be significant to an enrollee of, or person considering enrollment in, a health care plan.~~

~~(b) A statement or item of information shall be deemed to be misleading, whether or not it may be literally untrue if, in the total context in which such statement is made or such item of information is communicated, such statement or item of information may be reasonably understood by a reasonable person not possessing special knowledge regarding health care coverage, as indicating any benefit or advantage or the absence of any exclusion, limitation or disadvantage of possible significance to an enrollee of, or person considering enrollment in, a health care plan if such benefit or advantage or absence of limitation, exclusion or disadvantage does not in fact exist.~~

~~(c) An evidence of coverage shall be deemed to be deceptive if the evidence of coverage taken as a whole, and with consideration given to typography and format as well as language, shall be such as to cause a reasonable person not possessing special knowledge regarding health care plans and evidences of coverage therefor to expect benefits, services, charges or other advantages which the evidence of coverage does not provide or which the health care plan issuing such evidence of coverage does not regularly make available for enrollees covered under such evidence of coverage.~~

~~2. NRS 686A.010 to 686A.310, inclusive, and section 4 of this act shall be construed to apply to health maintenance organizations, health care plans and evidences of coverage except to the extent that the nature of health maintenance organizations, health care plans and evidences of coverage render the sections therein clearly inappropriate.~~

~~3. An enrollee may not be cancelled or not renewed except for the failure to pay the charge for such coverage or for cause as determined in the master contract.~~

~~4. No health maintenance organization, unless licensed as an insurer, may use in its name, contracts, or literature any of the words "insurance," "casualty," "surety," "mutual" or any other words descriptive of the insurance, casualty or surety business or deceptively similar to the name or description of any insurance or surety corporation doing business in this State.~~

~~5. No person not certificated under this chapter shall use in its name, contracts or literature the phrase "health maintenance organization" or the initials "HMO." (Deleted by amendment.)~~

Sec. 15. ~~[NRS 695D.290 is hereby amended to read as follows:~~

~~695D.290 The provisions of NRS 686A.010 to 686A.310, inclusive, and section 4 of this act relating to trade practices and frauds apply to organizations~~

~~for dental care.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 695E.170 is hereby amended to read as follows:~~

~~695E.170 1. A risk retention group and its agents and representatives are subject to the provisions of NRS 686A.010 to 686A.310, inclusive [.] , and section 4 of this act. Any injunction obtained pursuant to those sections must be obtained from a court of competent jurisdiction.~~

~~2. All premiums paid for coverages within this state to a risk retention group are subject to the provisions of chapter 680B of NRS. Each risk retention group shall report all premiums paid to it and shall pay the taxes on premiums and any related fines or penalties for risks resident, located or to be performed in the state.~~

~~3. Any person acting as an agent or a broker for a risk retention group pursuant to NRS 695E.210 shall:~~

~~(a) Report to the Commissioner each premium for direct business for risks resident, located or to be performed in this State which the person has placed with or on behalf of a risk retention group that is not chartered in this State.~~

~~(b) Maintain a complete and separate record of each policy obtained from each risk retention group. Each record maintained pursuant to this subsection must be made available upon request by the Commissioner for examination pursuant to NRS 679B.240, and must include, for each policy and each kind of insurance provided therein:~~

~~(1) The limit of liability;~~

~~(2) The period covered;~~

~~(3) The effective date;~~

~~(4) The name of the risk retention group which issued the policy;~~

~~(5) The gross annual premium charged; and~~

~~(6) The amount of return premiums, if any.~~

~~4. As used in this section, "premiums for direct business" means any premium written in this State for a policy of insurance. The term does not include any premium for reinsurance or for a contract between members of a risk retention group.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 695F.090 is hereby amended to read as follows:~~

~~695F.090 1. Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:~~

~~(a) NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.~~

~~(b) NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.~~

~~(c) The requirements of NRS 679B.152.~~

~~(d) The fees imposed pursuant to NRS 449.465.~~

~~(e) NRS 686A.010 to 686A.310, inclusive, and section 4 of this act concerning trade practices and frauds.~~

~~(f) The assessment imposed pursuant to NRS 679B.700.~~

~~(g) Chapter 683A of NRS.~~

~~(h) To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.~~

~~(i) NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.~~

~~(j) NRS 680B.025 to 680B.039, inclusive, concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this subsection, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."~~

~~(k) Chapter 692C of NRS, concerning holding companies.~~

~~(l) NRS 689A.637, concerning health centers.~~

~~2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term "insurer." (Deleted by amendment.)~~

Sec. 18. ~~[NRS 696A.360 is hereby amended to read as follows:~~

~~696A.360 Motor clubs are also subject, in the same manner as insurers, to the following provisions of this Code to the extent reasonably applicable:~~

~~1. Chapter 679A of NRS (scope and definitions);~~

~~2. Chapter 679B of NRS (Commissioner of Insurance);~~

~~3. NRS 683A.400 (fiduciary funds);~~

~~4. Chapter 685B of NRS (unauthorized insurers);~~

~~5. NRS 686A.010 to 686A.310, inclusive, and section 4 of this act (trade practices and frauds); and~~

~~6. Chapter 696B of NRS (delinquent insurers).] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 697.360 is hereby amended to read as follows:~~

~~697.360 Licensed bail agents, bail solicitors and bail enforcement agents, and general agents are also subject to the following provisions of this Code, to the extent reasonably applicable:~~

~~1. Chapter 679A of NRS.~~

~~2. Chapter 679B of NRS.~~

~~3. NRS 683A.261.~~

~~4. NRS 683A.301.~~

~~5. NRS 683A.311.~~

~~6. NRS 683A.331.~~

~~7. NRS 683A.341.~~

~~8. NRS 683A.361.~~

~~9. NRS 683A.400.~~

~~10. NRS 683A.451.~~

~~11. NRS 683A.461.~~

~~12. NRS 683A.480.~~

~~13. NRS 683A.500.~~

~~14. NRS 683A.520.~~

~~15. NRS 686A.010 to 686A.310, inclusive [.] , and section 4 of this act.]~~

~~(Deleted by amendment.)~~

Sec. 20. ~~NRS 232.320 is hereby amended to read as follows:~~

~~232.320 1. The Director:~~

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

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

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

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

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

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

~~(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, and section 23 of this act, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.~~

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

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

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

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

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

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

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

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

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

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

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

Sec. 21. [Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Except as authorized by this section, a governing body of a local governmental agency that provides health coverage pursuant to NRS 287.010 shall not accept from a manufacturer or a pharmacy benefit manager a rebate, reduction in price or other remuneration in connection with the sale of a prescription drug.~~

~~2. A governing body of a local governmental agency may accept a rebate or reduction in price described in subsection 1 if:~~

~~(a) The value of the rebate or reduction in price is set forth in a contract between the manufacturer and the governing body or a pharmacy benefit manager working on behalf of the governing body; and~~

~~(b) The full value of the rebate or reduction in price is paid to the dispensing pharmacy and applied to the price paid by the covered person to whom the drug is dispensed.~~

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

~~(a) "Manufacturer" has the meaning ascribed to it in NRS 639.009.~~

~~(b) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.~~ (Deleted by amendment.)

Sec. 22. [NRS 287.04335 is hereby amended to read as follows:

~~287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 687B.409, 689B.255, 695G.150, 695G.160, 695G.162, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.170 to 695G.173, inclusive, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, and section 4 of this act in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.] (Deleted by amendment.)~~

Sec. 23. [Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

~~1. Except as authorized by this section, the Department shall not accept from a manufacturer or a pharmacy benefit manager a rebate, reduction in price or other remuneration in connection with the sale of a prescription drug dispensed to a recipient of Medicaid.~~

~~2. The Department may accept a rebate or reduction in price described in subsection 1 if:~~

~~(a) The value of the rebate or reduction in price is set forth in a contract between the manufacturer and the Department or a pharmacy benefit manager working on behalf of the Department; and~~

~~(b) The full value of the rebate or reduction in price is paid to the dispensing pharmacy and applied to the price paid by the recipient to whom the drug is dispensed.~~

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

~~(a) "Manufacturer" has the meaning ascribed to it in NRS 639.009.~~

~~(b) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 693A.174. (Deleted by amendment.)~~

Sec. 24. ~~[The amendatory provisions of sections 1, 4, 21, 22 and 23 of this act do not apply to a contract entered into before July 1, 2019, but apply to any renewal or extension of such a contract.] (Deleted by amendment.)~~

Sec. 25. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the cost of prescription drugs in this State and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices.

2. The interim committee must be composed of six Legislators as follows:

(a) Two members appointed by the Majority Leader of the Senate;

(b) Two members appointed by the Speaker of the Assembly;

(c) One member appointed by the Minority Leader of the Senate; and

(d) One member appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and Vice Chair from among the members of the interim committee.

4. In conducting the study, the interim committee shall consult with and solicit input from persons and organizations with expertise in matters relevant to the costs of prescription drugs and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices.

5. The interim committee shall study and examine:

(a) The overall costs of prescription drugs in this State, including, without limitation, a comparison of those costs with other states;

(b) The impact of rebates, reductions in price and other remuneration from manufacturers on the overall costs of prescription drugs in this State; and

(c) Opportunities and options for lowering the costs of prescription drugs to make those drugs more affordable for the residents of this State.

6. The Legislative Commission shall submit a report of the results of the study, including any recommendations for legislation to:

(a) The Legislative Committee on Health Care; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

7. As used in this section, "manufacturer" has the meaning ascribed to it in NRS 639.009.

Sec. 26. This act becomes effective on July 1, 2019.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 404 to Senate Bill No. 276 deletes all sections of the bill in its entirety and amends the bill to require the Legislative Commission to appoint a committee to conduct an interim study relating to the issue of prescription drug costs and the impact of pharmacy-benefit rebates, reductions in price and other remunerations from drug manufacturers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 295.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 263.

SUMMARY—Creates the Nevada National Guard Youth Challenge Program. (BDR 34-566)

AN ACT relating to education; creating the Nevada National Guard Youth Challenge Program; setting forth the requirements for the operation of the Program; requiring the Office of the Military to enter into an agreement with the Superintendent of Public Instruction and the board of trustees of a school district to establish a challenge school; setting forth certain requirements for the operation of a challenge school; ~~making an appropriation;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 11 of this bill creates the Nevada National Guard Youth Challenge Program, to be administered by the Office of the Military, for the purposes of educating, training and mentoring youths who have dropped out of or are at risk of dropping out of high school. Section 11 sets forth the requirements for the operation of the Program, consisting of: (1) a residential component lasting at least 22 weeks in which certain courses of study must be taught to Program participants; and (2) a nonresidential component lasting at least 12 months in which Program participants must be monitored and mentored. Section 12 of this bill creates the Nevada National Guard Youth Challenge Program Account in the State General Fund. ~~[Section 24 of this bill appropriates money to the Account to carry out the Program.]~~

Section 13 of this bill requires the Office of the Military to enter into an agreement with the Superintendent of Public Instruction and the board of trustees of a school district to establish a challenge school, which is generally defined in section 8 of this bill as a public school ~~located on the campus of a public school and~~, administered by the Office of the Military to provide a full-time alternative program of education in accordance with the Nevada National Guard Youth Challenge Program. Section 13 requires such an agreement to establish a challenge school to contain certain provisions relating to how the school will function and how the Superintendent will count

enrollment and calculate the daily average attendance of pupils enrolled at the school.

Existing law establishes the academic subjects, standards and courses of study for the public schools in this State. (Chapter 389 of NRS) Section 14 of this bill exempts a challenge school from these provisions and authorizes the Superintendent of Public Instruction to waive certain other provisions relating to education with respect to a challenge school. Similarly, section 4 of this bill exempts a challenge school from certain requirements for a maximum pupil-teacher ratio. Section 5 of this bill exempts a challenge school from the requirement that a school district schedule and provide a minimum of 180 days of free school.

Section 16 of this bill provides that a pupil who has earned credits from a course of study offered by a challenge school is authorized to apply such credits towards the credits required for graduation from a high school or charter school or for the receipt of an adult standard diploma.

Section 18 of this bill requires the Office of the Military to adopt certain rules of behavior for pupils enrolled at a challenge school. Section 19 of this bill requires ~~(the Office of the Military)~~ a school district that houses a challenge school to submit certain information to the Department of Education regarding the expenditures of a challenge school.

Existing law requires the Superintendent of Public Instruction to apportion the State Distributive School Account in the State General Fund among the school districts, charter schools and university schools for profoundly gifted pupils in certain amounts based on a formula. This formula bases the State's financial obligation to programs of instruction partially on the number of pupils involved in such programs. (NRS 387.121-387.1245) Sections 2, 3 and 20 of this bill require pupils enrolled in a challenge school be counted for the purposes of determining apportionments from the State Distributive School Account.

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

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "*Challenge school*" has the meaning ascribed to it in section 8 of this act.

3. "Department" means the Department of Education.

~~{3-}~~ 4. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

~~{4.}~~ 5. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

~~{5.}~~ 6. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

~~{6.}~~ 7. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

~~{7.}~~ 8. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools ~~{7.}~~ and *challenge schools*, whose textbooks and courses of study are under the control of the State Board.

~~{8.}~~ 9. "School bus" has the meaning ascribed to it in NRS 484A.230.

~~{9.}~~ 10. "State Board" means the State Board of Education.

~~{10.}~~ 11. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474, subsection 1 of NRS 392.074, or subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school, based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(8) *The count of pupils enrolled in a challenge school based on the average daily enrollment of those pupils calculated in the manner set forth in an agreement entered into pursuant to section 13 of this act.*

(b) Adding the amounts computed in paragraph (a).

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the quarterly apportionments from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district

or charter school to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 3. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, ~~and~~ pupils who are enrolled in a university school for profoundly gifted pupils located in the county ~~[-]~~ and pupils who are enrolled in a challenge school located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471, pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a

private school or a homeschooled child to participate in a class at an achievement charter school.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

(i) *Pupils who are enrolled in a challenge school.*

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 4. NRS 387.1234 is hereby amended to read as follows:

387.1234 1. Except as otherwise provided in subsection 3 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

2. If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

3. The provisions of this section do not apply to a charter school, a university school for profoundly gifted pupils, ~~or~~ a program of distance

education provided pursuant to NRS 388.820 to 388.874, inclusive ~~{}~~ , *or a challenge school.*

Sec. 5. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section ~~{}~~ *and section 13 of this act*, boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days. The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. If a school district is located in a county whose population is 100,000 or more, the board of trustees of the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district:

(a) Will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection 6; or

(b) Is designed solely for the purpose of providing regular professional development to educational personnel and such professional development is focused on analyzing and discussing measures of the performance of pupils and identifying appropriate instructional strategies to improve the achievement of pupils.

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be

rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section and NRS 388.095 and 388.097 must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by regulation for that particular group of pupils by 180.

6. The State Board shall adopt regulations defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2.

Sec. 6. Chapter 388D of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 21, inclusive, of this act.

Sec. 7. *As used in sections 7 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 8, 9 and 10 of this act have the meanings ascribed to them in those sections.*

Sec. 8. "Challenge school" means a public high school that:

1. ~~Is located on the campus of a public school;~~
- ~~2.~~ *Is administered by the Office of the Military;*
- ~~3.~~ *2. Is established through an agreement between the Office of the Military, the Superintendent of Public Instruction and the board of trustees of a school district; and*
- ~~4.~~ *3. Provides a full-time alternative program of education in accordance with the Nevada National Guard Youth Challenge Program created by section 11 of this act.*

Sec. 9. "Participant" means a person who has been approved by the Office of the Military to participate in the Program. The term includes:

1. A pupil enrolled in a challenge school; and
2. A person participating in the nonresidential component of the Program.

Sec. 10. "Program" means the Nevada National Guard Youth Challenge Program created by section 11 of this act.

Sec. 11. 1. *The Nevada National Guard Youth Challenge Program is hereby created for the purposes of educating, training and mentoring youth who have dropped out of high school or who are at risk of dropping out of high school so that they may become productive, employed and law-abiding citizens.*

2. *The Office of the Military shall administer the Program. The Program must include:*

(a) *The establishment of a challenge school located within a school district in this State.*

(b) *A residential component lasting at least 22 weeks.*

(c) *Courses of study provided during the residential component described in paragraph (b) that include, without limitation:*

(1) *Courses focusing on academic excellence, life coping skills, employment skills, health and hygiene, responsible citizenship, service to the community, leadership and followership skills and physical fitness; and*

(2) Courses that allow a participant to receive credit in accordance with the agreement entered into pursuant to section 13 of this act.

(d) A nonresidential component lasting at least 12 months following the completion of the residential component.

(e) One-on-one mentoring with a participant during the nonresidential component described in paragraph (d).

(f) Monitoring of the participant by a case manager during the nonresidential component described in paragraph (d).

3. A person who wishes to apply to participate in the Program must submit an application on a form prescribed by the Office of the Military. The Office of the Military shall establish guidelines for the submission and review of applications to participate in the Program. Such guidelines must give ~~priority in admission to a~~ special consideration to an eligible child of a military family, as defined in NRS 388F.010.

4. The Office of the Military shall establish criteria governing eligibility for a person to participate in the Program. Such criteria must:

(a) Require a person to be a Nevada resident to participate in the Program.

(b) Provide that a child in foster care or going through the process of adoption is eligible to participate in the Program.

5. The Office of the Military shall adopt regulations necessary to establish and administer the Program created pursuant to this section. The regulations must be consistent with 32 U.S.C. § 509 and the regulations adopted pursuant thereto.

Sec. 12. 1. The Nevada National Guard Youth Challenge Program Account is hereby created in the State General Fund.

2. The Office of the Military shall administer the Account. The money in the Account must be expended only to carry out the provisions of sections 7 to 21, inclusive, of this act.

3. The Office of the Military may apply for and accept any gift, donation, bequest, grant, transfer from the State or a school district or other source of money for deposit in the Account.

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

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

Sec. 13. 1. The Office of the Military shall enter into an agreement with the Superintendent of Public Instruction and the board of trustees of a school district to establish a challenge school. The agreement must:

(a) Specify the physical location of the facilities of the challenge school.

(b) Set forth the method in which the Superintendent of Public Instruction will count enrollment and calculate the average daily attendance of pupils enrolled at a challenge school for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.1245, inclusive. The method must count a pupil enrolled

in a challenge school as a full-time pupil notwithstanding the schedule for the program of instruction provided by the challenge school.

(c) Set forth the schedule for the program of instruction the challenge school will provide. Such a schedule may include:

(1) A shorter school day or an opportunity for participants to attend a longer day than regularly provided in the school district.

(2) An opportunity for participants to attend courses of instruction during any part of the calendar year.

(d) Prescribe the courses of study provided by the challenge school for which credits may be received pursuant to section 16 of this act and the amount of credit allowed for the completion of those courses of study.

(e) Set forth the provisions of this title that the Superintendent of Public Instruction agrees to waive with respect to the challenge school pursuant to section 14 of this act.

(f) Set forth any other provisions the parties deem necessary to carry out the provisions of sections 7 to 21, inclusive, of this act.

2. Upon the execution of an agreement pursuant to subsection 1, a challenge school shall be deemed a public school pursuant to NRS 385.007 located within the school district that is a party to the agreement and is entitled to receive money from the State.

Sec. 14. Except as otherwise provided by specific statute and by regulation of the State Board as determined necessary by the Superintendent of Public Instruction, the provisions of chapter 389 of NRS do not apply to a challenge school. The Superintendent of Public Instruction may waive any other provision of this title with respect to a challenge school as the Superintendent may determine necessary.

Sec. 15. The Superintendent of Public Instruction shall:

1. Authorize any pupil who is admitted to a challenge school to enroll in that school in lieu of enrolling in the high school the pupil is otherwise scheduled to attend.

2. Adopt regulations to carry out the provisions of sections 7 to 21, inclusive, of this act with which each challenge school must comply.

Sec. 16. 1. The Office of the Military shall develop a curriculum to be used by a challenge school based upon the individual needs of participants in the Program and establish standards of content and performance for the courses of study offered by a challenge school.

2. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, who successfully completes a course of study offered by a challenge school must be allowed to apply the credit received for the course completed to the total number of credits required for graduation from the high school or the charter school in which the pupil is enrolled or the credits required for receipt of an adult standard diploma, as applicable.

Sec. 17. A challenge school shall comply with all applicable federal laws to prevent the loss of any federal money for education provided to the State of Nevada and the school districts in this State by the Federal Government.

Sec. 18. 1. The Office of the Military shall adopt:

(a) Written rules of behavior for pupils enrolled in a challenge school, including, without limitation, prohibited acts; and

(b) Appropriate punishments for violations of the rules.

2. Except as otherwise provided in subsection 3, if suspension or expulsion of a pupil is used as a punishment for a violation of the rules, the challenge school shall ensure that, before the suspension or expulsion, the pupil has been given notice of the charges against him or her, an explanation of the evidence and an opportunity ~~for a hearing. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such a hearing must be closed to the public.~~ to be heard and rebut the evidence.

3. A pupil may be removed from a challenge school immediately upon being given an explanation of the reasons for the removal of the pupil and pending proceedings, which must be conducted as soon as practicable after the removal, for his or her suspension or expulsion, if the pupil:

(a) Poses a continuing danger to persons or property;

(b) Poses an ongoing threat of disrupting the academic process;

(c) Sells or distributes any controlled substance; or

(d) Is found to be in possession of a dangerous weapon as provided in NRS 392.466.

4. A copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments must be:

(a) Distributed to each new pupil who enrolls in a challenge school; and

(b) Available for public inspection at a challenge school.

5. The Office of the Military may adopt rules relating to the truancy of pupils who are enrolled at a challenge school if the rules are at least as restrictive as the provisions governing truancy set forth in NRS 392.130 to 392.220, inclusive. If the Office of the Military adopts rules governing truancy, the Office shall include the rules in the written rules adopted pursuant to subsection 1.

Sec. 19. ~~For each challenge~~ Each school ~~in~~

~~1. The Office of the Military~~ district in which a challenge school is located shall submit to the Department in a format prescribed by the Department such information as requested by the Superintendent of Public Instruction for the purpose of accountability and reporting expenditures for the challenge school.

~~2. The Office of the Military shall, on or before November 15 of each year, submit to the Department in a format prescribed by the Department the following information:~~

~~(a) The actual expenditures of the challenge school in the fiscal year immediately preceding the report; and~~

~~(b) The proposed expenditures of the challenge school for the current fiscal year.~~

Sec. 20. 1. Each pupil who is enrolled in a challenge school must be included in the count of pupils in the school district in which the challenge school is located for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.1245, inclusive.

2. A challenge school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the challenge school or the pupils enrolled in the challenge school are eligible to receive.

3. If a challenge school ceases to operate pursuant to sections 7 to 21, inclusive, of this act, the remaining apportionments that would have been made to the challenge school pursuant to NRS 387.124 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the challenge school reside.

Sec. 21. For each challenge school:

1. The Office of the Military shall designate a person to draw all orders for the payment of money belonging to the challenge school. The orders must be listed on cumulative voucher sheets.

2. The Office of the Military shall prescribe the procedures by which the orders must be approved and the cumulative voucher sheets signed.

3. An action may not be maintained against the Office of the Military or against a challenge school to collect upon a bill not presented for payment to the Office of the Military within 6 months after the bill was incurred.

Sec. 22. NRS 392.4675 is hereby amended to read as follows:

392.4675 1. Except as otherwise provided in this section, a pupil who is suspended or expelled from:

(a) Any public school in this State pursuant to NRS 392.466; or

(b) Any school outside of this State for the commission of any act which, if committed within this State, would be a ground for suspension or expulsion from public school pursuant to NRS 392.466,

is ineligible to attend any public school in this State during the period of that suspension or expulsion.

2. A school district or a charter school, if the charter school offers the applicable program, may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of school provided pursuant to NRS 388.537;

(b) A program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school;

(c) A program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive; ~~or~~

(d) Any program of instruction offered pursuant to the provisions of NRS 388.550 ~~to~~; or

(e) A challenge school,

↪ if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable *school or* program. A school district or charter school may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the *school or* program. If an investigation is conducted, the board of trustees of the school district or the governing body of the charter school shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a *school or* program.

3. The provisions of subsections 1 and 2 do not prohibit a pupil from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 23. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388G.710, 388G.730, 392.147, 392.467, 394.1699, 396.3295, 433.534, 435.610, 463.110, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, *and section 18 of this act* which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 24. ~~1. There is hereby appropriated from the State General Fund to the Nevada National Guard Youth Challenge Program Account created by section 12 of this act to carry out the provisions of sections 7 to 21, inclusive, of this act the following sums:~~

~~For the Fiscal Year 2019-2020.....\$850,000
For the Fiscal Year 2020-2021.....\$850,000~~

~~2. The money appropriated by subsection 1 is contingent upon the Office of the Military being awarded matching money from the Federal Government. The State Controller shall not distribute any money from the appropriation made pursuant to subsection 1 until the matching money has been awarded.~~
(Deleted by amendment.)

Sec. 25. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 263 to Senate Bill No. 295 relates to the Nevada National Guard Youth Challenge Program. Among other provisions, the amendment deletes the requirement that the challenge school be located on a campus of a public school. It requires the school district in which a challenge school is located, instead of the Office of the Military, to submit certain reports, and it deletes the appropriation.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 312.

Bill read second time.

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

Amendment No. 482.

SUMMARY—Requires an employer in private employment to provide paid ~~sick~~ leave to employees under certain circumstances. (BDR 53-888)

AN ACT relating to employment; requiring an employer in private employment to provide paid ~~sick~~ leave to each employee of the employer under certain circumstances; providing ~~an exception;~~ certain exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires employers in private employment to pay employees certain minimum compensation and to provide certain benefits, including overtime compensation and meal and rest breaks. (NRS 608.018, 608.019, 608.250) Section 1 of this bill requires such an employer who has ~~25~~ 50 or more employees in this State, at a minimum, to provide employees 40 hours per year of paid ~~sick~~ leave ~~that must be earned at a rate of not less than 1 hour per 30 hours worked and~~ that may be used by an employee beginning on the 90th calendar day of employment. Section 1 provides that an employee may use ~~accrued~~ paid ~~sick~~ leave ~~for (1) for obtaining health care for himself~~

~~or herself or for his or her family; (2) to obtain counseling, assistance or to attend a court proceeding related to domestic violence, sexual assault, stalking or harassment; or (3) if the business of the employer or the school which a member of the employee's family or household attends closes as a result of a public health concern.] available for use by that employee without providing a reason to his or her employer for such use. Section 1 requires an employee to, as soon as practicable, give ~~reasonable advance~~ notice to ~~the~~ his or her employer to use ~~his or her accrued~~ the paid ~~sick~~ leave. ~~Section 1 authorizes an employer to request reasonable documentation from the employee for use of accrued paid sick leave.] available for use by that employee.~~~~

Section 1 also provides that an employer may: (1) limit the use of the paid ~~sick~~ leave to ~~24~~ 40 hours per year; (2) limit the ~~accrual~~ amount of paid ~~sick~~ leave that an employee may carry over to another year to a maximum of ~~48~~ 40 hours per year; and (3) set a minimum increment that an employee may use the accrued sick leave at any one time, not to exceed ~~2~~ 4 hours. Section 1 additionally requires an employer to maintain records of the receipt or accrual and use of paid ~~sick~~ leave for each employee for a ~~3-year~~ 1-year period and to make those records available for inspection by the Labor Commissioner. Section 1 requires the Labor Commissioner to prepare a bulletin setting forth these benefits and requires employers to post the bulletin in the workplace. Section 1 provides an exception for: (1) employers who provide at least an equivalent amount of ~~sick~~ paid leave or paid time off that may be used for the same purposes and under the same conditions as required by ~~this bill~~ section 1; and (2) temporary and seasonal employees. Section 1 additionally provides that for the first 2 years of operation, an employer defined in section 1 is not required to comply with the requirements of section 1.

Existing law requires: (1) the Labor Commissioner or his or her representative to enforce the provisions governing the payment and collection of wages and other benefits; and (2) certain entities to prosecute an action for enforcement upon receiving notice from the Labor Commissioner or his or her representative. (NRS 608.180) Section 2 of this bill requires the Labor Commissioner to enforce the provisions of section 1.

Existing law provides that any person who violates the provisions governing the payment and collection of wages and other benefits is guilty of a misdemeanor. Existing law additionally authorizes the Labor Commissioner to impose against the person an administrative penalty of not more than \$5,000 for each such violation. (NRS 608.195) Section 3 of this bill makes a violation of the provisions of section 1 a misdemeanor and authorizes the Commissioner to impose, in addition to any other remedy or penalty, an administrative penalty of not more than \$5,000 for each violation.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, every employer in private employment shall provide paid ~~sick~~ leave to each employee of the employer as follows:

(a) An employee is entitled to ~~accrue~~ 40 hours of paid ~~sick~~ leave ~~at a rate of not less than 1 hour for every 30 hours worked by the employee. For the purposes of this calculation, a salaried employee shall be deemed to work 40 hours per week, unless the employee's normal week of work is less than 40 hours, in which case paid sick leave must accrue based upon the hours worked in that employee's normal week of work.~~ per year.

(b) ~~Accrued paid sick~~ An employee may, as determined by the employer, obtain paid leave by:

(1) Receiving on January 1 of each year the total number of hours of paid leave that the employee is entitled to accrue in a year pursuant to paragraph (a); or

(2) Accruing over the course of a year the total number of hours of paid leave that the employee is entitled to accrue in a year pursuant to paragraph (a).

(c) Paid leave ~~must~~ accrued pursuant to subparagraph (2) of paragraph (b) may carry over for each employee between his or her years of employment, except an employer may limit the ~~accrual~~ amount of paid ~~sick~~ leave for each employee carried over to a maximum of ~~48~~ 40 hours per year.

~~(e)~~ (d) Except as otherwise provided in paragraph ~~((h))~~ (i), an employer shall:

(1) Compensate an employee for the ~~accrued~~ paid ~~sick~~ leave ~~of the~~ available for use by that employee at the rate of pay at which the employee is compensated at the time such leave is taken, as calculated pursuant to paragraph ~~((d), if necessary)~~ (e); and

(2) Pay such compensation on the same payday as the hours taken are normally paid.

~~((d))~~ (e) For the purposes of determining the rate of pay at which an employee is compensated pursuant to paragraph ~~((e))~~ (d), the compensation rate for an employee who is paid by ~~salary~~:

(1) Salary, commission, piece rate or a method other than hourly wage must ~~be~~:

(I) Be calculated by dividing the total wages of the employee paid for the immediately preceding 90 days by the number of hours worked during that period ~~+~~:

(II) Except as otherwise provided in sub-subparagraph (III), include any bonuses agreed upon and earned by the employee; and

(III) Not include any bonuses awarded at the sole discretion of the employer, overtime pay, additional pay for performing hazardous duties, holiday pay or tips earned by the employee.

(2) Hourly wage must be calculated by the hourly rate the employee is paid by the employer.

~~[(e)]~~ (f) An employer may limit the amount of paid ~~[sick]~~ leave an employee uses to ~~[24]~~ 40 hours per year.

~~[(f)]~~ (g) An employer may set a minimum increment of paid ~~[sick]~~ leave, not to exceed ~~[2]~~ 4 hours, that an employee may use at any one time.

~~[(g)]~~ (h) An employer shall provide to each employee on each payday a written accounting of the hours of ~~[accrued]~~ paid ~~[sick]~~ leave available for use by that employee. An employer may use the system that the employer uses to pay its employees to provide the written accounting of the hours of paid leave available for use by the employee.

~~[(h)]~~ (i) An employer may, but is not required to, compensate an employee for any ~~[accrued]~~ unused paid ~~[sick]~~ leave available for use by that employee upon separation from employment, except if ~~[any]~~ the employee is rehired by the employer within ~~[1 year]~~ 90 days after separation from that employer ~~and the separation from employment was not due to the employee voluntarily leaving his or her employment,~~ any previously ~~[accrued]~~ unused paid ~~[sick]~~ leave hours available for use by that employee must be reinstated.

2. An employee in private employment may use ~~[accrued]~~ paid ~~[sick]~~ leave available for use by that employee as follows:

(a) An employer shall allow an employee to use paid ~~[sick]~~ leave beginning on the 90th calendar day of his or her employment.

(b) An employee may use ~~[accrued]~~ paid ~~[sick]~~ leave ~~for~~

~~— (1) For the diagnosis, care or treatment of an existing health condition of, or preventive care for, the employee or a member of the employee's family or household;~~

~~— (2) To obtain counseling or assistance or to participate in any court proceedings related to domestic violence, sexual assault, stalking or harassment; or~~

~~— (3) If the business of the employer or the school which a member of the employee's family or household attends closes as a result of a public health concern;~~ available for use by that employee without providing a reason to his or her employer for such use.

(c) ~~[To the extent possible, an]~~ An employee shall, as soon as practicable, give ~~[reasonable advance]~~ notice to his or her employer ~~[of the need]~~ to use ~~[accrued]~~ the paid ~~[sick]~~ leave ~~[for any purpose listed in paragraph (b).]~~ available for use by that employee.

3. An employer shall not:

(a) Deny an employee the right to use ~~[accrued]~~ paid ~~[sick]~~ leave available for use by that employee in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using ~~[accrued]~~ paid ~~[sick]~~ leave ~~[and]~~ available for use by that employee; or

(c) Retaliate against an employee for using ~~[accrued]~~ paid ~~[sick]~~ leave ~~[and]~~ available for use by that employee.

4. ~~[The employer of an employee who uses accrued paid sick leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for~~

~~requesting such leave. Any documentation provided to an employer pursuant to this subsection is confidential.~~

~~5.]~~ The Labor Commissioner shall prepare a bulletin which clearly sets forth the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

~~6.]~~ 5. An employer shall maintain a record of the receipt or accrual and use of paid ~~sick~~ leave pursuant to this section for each employee for a ~~3-year~~ 1-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner.

~~7.]~~ 6. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous paid ~~sick~~ leave benefit or paid time off benefit.

7. For the first 2 years of operation, an employer is not required to comply with the provisions of this section.

8. This section does not apply to ~~an~~:

(a) An employer who, pursuant to a ~~collective bargaining agreement,~~ contract, policy, collective bargaining agreement or other agreement, provides employees with a policy for paid ~~sick~~ leave or a policy for paid time off that provides for at least ~~24~~ 40 hours of paid ~~sick~~ leave per year that may be used ~~for the same purposes and~~ under the same conditions as specified in this section ~~it~~:

(b) Temporary or seasonal employees.

9. As used in this section, "employer" means a private employer who has ~~25~~ 50 or more employees in private employment in this State. ~~The term does not include a nonprofit religious, charitable, fraternal or other organization that qualifies as a tax exempt organization pursuant to 26 U.S.C. § 501(c).~~

Sec. 2. NRS 608.180 is hereby amended to read as follows:

608.180 The Labor Commissioner or the representative of the Labor Commissioner shall cause the provisions of NRS 608.005 to 608.195, inclusive, and section 1 of this act and 608.215 to be enforced, and upon notice from the Labor Commissioner or the representative:

1. The district attorney of any county in which a violation of those sections has occurred;

2. The Deputy Labor Commissioner, as provided in NRS 607.050;

3. The Attorney General, as provided in NRS 607.160 or 607.220; or

4. The special counsel, as provided in NRS 607.065,

↪ shall prosecute the action for enforcement according to law.

Sec. 3. NRS 608.195 is hereby amended to read as follows:

608.195 1. Except as otherwise provided in NRS 608.0165, any person who violates any provision of NRS 608.005 to 608.195, inclusive, *and section 1 of this act* or 608.215, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. In addition to any other remedy or penalty, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.

Sec. 4. This act becomes effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 482 to Senate Bill No. 312 amends the bill to replace the term "sick leave" with "paid leave." It provides that employees earn a total of 40 hours of paid leave per year, which may be earned at the beginning of the year or accrued over the course of one year. It authorizes an employer to allow for accrual of paid leave to carry to the next year and is capped at 40 hours if carried over. It provides for the calculation to determine the rate of pay for compensating an employee for the accrued paid leave. It authorizes an employer to limit the amount of paid leave an employee can use to 40 hours per year. It provides that an employer does not have to compensate employees for unused paid leave when the person is no longer an employee, but an employer may pay an employee for any unused time, if desired.

It provides that employees rehired within 90 days must have their unused leave hours reinstated unless an employee quits voluntarily. It provides that an employee can start using accrued leave after 90 days and that an employee is not required to provide a reason for using the paid time off, but the employee should give notice for use of leave as soon as practicable. It authorizes an employer to set a minimum time that an employee may use for paid leave not to exceed a four-hour block of time. It requires an employer to maintain records of the accrual and use of paid leave. It exempts employers who provide at least 40 hours of paid leave under a collective bargaining agreement or arrangement for temporary and seasonal workers. It clarifies the definition of "employer" to include employers with 50 or more employees. Finally, it authorizes employers to use the current pay system to provide accounting of earned or used sick leave on a monthly basis.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 433.

SUMMARY—Abolishes the Achievement School District. (BDR 34-682)

AN ACT relating to education; abolishing the achievement school district; requiring an existing achievement charter school to convert to a charter school

under the sponsorship of ~~an authorized sponsor~~ the State Public Charter School Authority or cease operations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 448 of the 2015 Legislative Session established the Achievement School District within the Department of Education, authorized the conversion of certain public schools to achievement charter schools and made various other changes relating to such schools. (Chapter 539, Statutes of Nevada 2015, p. 3775 ~~ff~~ ; NRS 388B.010-388B.450) Sections 1-35 of this bill effectively rescind Assembly Bill No. 448 by repealing the new provisions added by that bill and reverting the various statutes to the former language. Section 37 of this bill requires the State Public Charter School Authority to administer each existing contract to operate an achievement charter school, beginning on the effective date of this bill.

Existing law ~~authorizes the board of trustees of a school district that has been approved by the Department, a college or university within the Nevada System of Higher Education that has been approved by the Department or the State Public Charter School Authority to sponsor charter schools. (NRS 388A.220)~~ requires the governing body of a charter school to enter into a charter contract with the sponsor of the charter school. (NRS 388A.270) Section 37 requires the governing body of an achievement charter school to ~~obtain the sponsorship of such an entity~~ enter into a charter contract with the State Public Charter School Authority and operate under existing law governing charter schools by July 1, 2020. If an achievement charter school does not ~~obtain the sponsorship of such an entity,~~ enter into such a charter contract, section 37 provides that the contract to operate the achievement charter school becomes void on that date, thereby requiring the achievement charter school to cease operations.

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

Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The State Board shall, and the State Public Charter School Authority, ~~the Achievement School District,~~ each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. ~~["Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.]~~
"Charter school" means a public school that is formed pursuant to the provisions of chapter 388A of NRS.

2. "Department" means the Department of Education.

3. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

5. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

6. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. "State Board" means the State Board of Education.

10. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 3. NRS 385.111 is hereby amended to read as follows:

385.111 1. The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this State. The plan:

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada Association of School Boards;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada Association of School Boards; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391A.130, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators created by NRS 391A.120;

(5) The Legislative Bureau of Educational Accountability and Program Evaluation; and

(6) Other persons who the State Board determines are appropriate.

2. On or before March 31 of each year, the State Board shall submit the plan or the revised plan, as applicable, to the:

(a) Governor;

(b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation;

(d) Board of Regents of the University of Nevada;

(e) Board of trustees of each school district; *and*

(f) Governing body of each charter school . ~~}; and~~

~~—(g) Executive Director of the Achievement School District.]~~

Sec. 4. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority ~~}; the Achievement School District]~~ and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are English learners;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635; and

10. On or before February 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature in odd-numbered years and to the Legislative Commission in even-numbered years, describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 5. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of

pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority [~~Achievement School District~~] or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority [~~Achievement School District~~] and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 6. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teacher Association;
- (5) Budget Division of the Office of Finance;
- (6) Legislative Counsel Bureau; and
- (7) Charter School Association of Nevada,

↪ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

Sec. 7. NRS 385A.090 is hereby amended to read as follows:

385A.090 1. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority, ~~the Achievement School District~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority ~~the Achievement School District~~ or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee;
- (5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority ~~the Achievement School District~~ and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority ~~the Achievement School District~~ or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority ~~the Achievement School District~~ or the institution does not maintain a website, the State Public Charter School Authority ~~the Achievement School District~~ or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority [~~the Achievement School District~~] or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

Sec. 8. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority [~~the Achievement School District~~] and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 9. NRS 385A.400 is hereby amended to read as follows:

385A.400 1. The State Board shall, on or before January 15 of each year, prepare for the immediately preceding school year a single annual report of accountability that includes, without limitation the information prescribed by NRS 385A.400 to 385A.520, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.400 to 385A.520, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

- (a) Be prepared in a concise manner; and
- (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before January 15 of each year, the State Board shall provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department.

5. Upon the request of the Governor, the Attorney General, the Committee, the Bureau, the Board of Regents of the University of Nevada, the board of trustees of a school district, the governing body of a charter school [~~the Executive Director of the Achievement School District~~] or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

Sec. 10. NRS 385A.670 is hereby amended to read as follows:

385A.670 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the school achievement targets and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of

trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority ~~{, the Achievement School District}~~ or a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority ~~{, the Achievement School District}~~ or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) ~~{,}~~ or (c) , ~~{or (d),}~~ the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) ~~{The determination made for the charter school to the Achievement School District if the charter school is sponsored by the Achievement School District.~~

~~—(d)—~~ The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

↪ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 11. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority ~~[, the Achievement School District]~~ or a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority ~~[, all charter schools sponsored by the Achievement School District]~~ and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority ~~[, the Achievement School District]~~ or a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State.

Sec. 12. NRS 387.067 is hereby amended to read as follows:

387.067 1. The State Board may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts or the charter schools of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

3. The State Board, any school district within this State ~~[, the Achievement School District]~~ and any governing body of any charter school in this State may, within the limits provided in this section, make such applications, agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. Such an agreement or assurance must not require this

State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 13. NRS 387.080 is hereby amended to read as follows:

387.080 1. The Director may enter into agreements with any agency of the Federal Government, the Department, the State Board, ~~the Achievement School District,~~ any board of trustees of a school district, any governing body of a charter school or any other entity or person. The Director may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Director pursuant to regulations or policies of the State Department of Agriculture.

3. The Director may:

(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 14. NRS 387.090 is hereby amended to read as follows:

387.090 Except as otherwise provided in NRS 387.114 to 387.1175, inclusive, the board of trustees of each school district ~~the Executive Director of the Achievement School District~~ and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.068 to 387.1175, inclusive, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 15. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474 ~~or~~ or subsection 1 of NRS 392.074 ~~or~~ or subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school, based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services

are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(b) Adding the amounts computed in paragraph (a).

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the quarterly apportionments from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 16. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 ~~and~~ and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474 . ~~and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.~~

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 17. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the State Board. The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the State Board.

5. A charter school is a public school that is formed pursuant to the provisions of chapter 388A of NRS . ~~for an achievement charter school that is formed pursuant to chapter 388B of NRS.~~

6. A university school for profoundly gifted pupils is a public school established pursuant to chapter 388C of NRS.

Sec. 18. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts and charter schools in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385A.310 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority ~~[, the Achievement School District]~~ and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,
↳ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

- (a) The State Board.
- (b) The board of trustees of each school district.
- (c) The superintendent of schools of each school district.
- (d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

- (1) Repair, replace and maintain computer systems.
- (2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

- (a) The recommendations set forth in the plan pursuant to subsection 2;
- (b) The plan for educational technology of each school district, if applicable;
- (c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and
- (d) Any other information deemed relevant by the Commission.

↪ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 19. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, 200.50935, 392.303 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281; *or*

(2) The governing body of a charter school . ~~{; or~~

~~—(3) The Achievement School District.}~~

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

~~{(4) The Executive Director of the Achievement School District.}~~

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 20. NRS 388A.030 is hereby amended to read as follows:

388A.030 "Educational management organization" means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools . ~~{and achievement charter schools.}~~

Sec. 21. NRS 388A.075 is hereby amended to read as follows:

388A.075 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:

1. ~~{Except as otherwise provided in NRS 388B.290, the}~~ *The* conversion of an existing public school, homeschool or other program of home study to a charter school.

2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:

(a) A private school from ceasing to operate as a private school and reopening as a charter school in compliance with the provisions of this chapter.

(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 1 of NRS 388A.471 who are enrolled in a public school of a school district or a private school or who are homeschooled.

3. The formation of charter schools on the basis of a single race, religion or ethnicity.

Sec. 22. NRS 388A.080 is hereby amended to read as follows:

388A.080 The provisions of this chapter do not authorize an existing public school, homeschool or other program of home study to convert to a charter school . ~~{except as otherwise provided in NRS 388B.290.}~~

Sec. 23. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. ~~{Except as otherwise provided in NRS 388B.290, if}~~ *If* an application proposes to convert an existing public school, homeschool or

other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school.

4. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 24. NRS 388G.050 is hereby amended to read as follows:

388G.050 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a

university school for profoundly gifted pupils . ~~for an achievement charter school.~~

2. The board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more but less than 700,000 shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;

(b) The superintendent of the school district, or the superintendent's designee;

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

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:

(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 25. NRS 390.265 is hereby amended to read as follows:

390.265 "School official" means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district ~~or the governing body of a charter school . for the Achievement School District.~~

Sec. 26. NRS 390.270 is hereby amended to read as follows:

390.270 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, ~~{Achievement School District,}~~ charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, ~~{Achievement School District,}~~ charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 390.295.

3. The Department shall post a copy of the plan adopted pursuant to this section and the procedures set forth therein on the Internet website maintained by the Department.

Sec. 27. NRS 390.380 is hereby amended to read as follows:

390.380 "School official" means:

1. A member of a board of trustees of a school district;
2. A member of a governing body of a charter school; or
3. A licensed or unlicensed person employed by the board of trustees of a school district ~~{}~~ or the governing body of a charter school . ~~{or the Achievement School District.}~~

Sec. 28. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, "employee" means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is

that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness, accident or motor vehicle crash, or because of serious illness, accident, motor vehicle crash or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those

reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 388A.533, ~~for 388B.400 to 388B.450, inclusive,~~

the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 29. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority ~~[, the Achievement School District]~~ or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 2 of NRS 385A.240;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 30. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term "political subdivision" includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an "eligible entity" pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, an irrigation district, a school district, ~~the Achievement School District,~~ the governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.

Sec. 31. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

- (a) Salary or wage rates or other forms of direct monetary compensation.
- (b) Sick leave.
- (c) Vacation leave.
- (d) Holidays.
- (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
- (f) Insurance benefits.
- (g) Total hours of work required of an employee on each workday or workweek.
- (h) Total number of days' work required of an employee in a work year.

(i) Except as otherwise provided in subsections 6 and ~~[10,] 9~~, discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) Except as otherwise provided in subsections ~~[7, 9 and 10,] 7 and 9~~, the policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to:

(a) Reopen a collective bargaining agreement for additional, further, new or supplementary negotiations relating to compensation or monetary benefits during a period of fiscal emergency. Negotiations must begin not later than 21 days after the local government employer notifies the employee

organization that a fiscal emergency exists. For the purposes of this section, a fiscal emergency shall be deemed to exist:

(1) If the amount of revenue received by the general fund of the local government employer during the last preceding fiscal year from all sources, except any nonrecurring source, declined by 5 percent or more from the amount of revenue received by the general fund from all sources, except any nonrecurring source, during the next preceding fiscal year, as reflected in the reports of the annual audits conducted for those fiscal years for the local government employer pursuant to NRS 354.624; or

(2) If the local government employer has budgeted an unreserved ending fund balance in its general fund for the current fiscal year in an amount equal to 4 percent or less of the actual expenditures from the general fund for the last preceding fiscal year, and the local government employer has provided a written explanation of the budgeted ending fund balance to the Department of Taxation that includes the reason for the ending fund balance and the manner in which the local government employer plans to increase the ending fund balance.

(b) Take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency.

↪ Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. If the sponsor of a charter school reconstitutes the governing body of a charter school pursuant to NRS 388A.330, the new governing body may terminate the employment of any teachers or other employees of the charter school, and any provision of any agreement negotiated pursuant to this chapter that provides otherwise is unenforceable and void.

7. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

8. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 7 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 7 is unenforceable and void.

9. ~~{The board of trustees of a school district may reassign any member of the staff of a school that is converted to an achievement charter school pursuant to NRS 388B.200 to 388B.230, inclusive, and any provision of any agreement negotiated pursuant to this chapter which provides otherwise is unenforceable and void.~~

~~—10.}~~ The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

~~{11.}~~ 10. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~{12.}~~ 11. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

~~{13.}~~ 12. As used in this section ~~{-~~

~~(a) "Abuse"}, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.~~

~~{(b) "Achievement charter school" has the meaning ascribed to it in NRS 385.007.}~~

Sec. 32. NRS 332.185 is hereby amended to read as follows:

332.185 1. Except as otherwise provided in subsection 2 and NRS 244.1505 and 334.070, all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to any other school district in this State ~~{, to the Achievement School District}~~ or to a charter school that is located within the school district without regard to:

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

- (1) The posting of notice or public advertising.
- (2) The inviting or receiving of competitive bids.
- (3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

Sec. 33. NRS 361.065 is hereby amended to read as follows:

361.065 All lots, buildings and other school property owned by any legally created school district ~~[, the Achievement School District]~~ or a charter school within the State and devoted to public school purposes are exempt from taxation.

Sec. 34. Chapter 656A of NRS is hereby amended by adding thereto a new section to read as follows:

"Charter school" has the meaning ascribed to it in NRS 385.007.

Sec. 35. NRS 656A.020 is hereby amended to read as follows:

656A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 656A.025 to 656A.065, inclusive, *and section 34 of this act* have the meanings ascribed to them in those sections.

Sec. 36. 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. 37. 1. ~~[As soon as possible after the effective date of this act,]~~ On the effective date of this act, the governing body of an achievement charter school shall ~~[submit to an entity authorized to sponsor charter schools an application to form a charter school pursuant to NRS 388A.246.]~~ be deemed to be approved by the State Public Charter School Authority to operate a charter school sponsored by the State Public Charter School Authority.

2. ~~As soon as possible after the ~~[approval of an application submitted pursuant to subsection 1,]~~ effective date of this act,~~ the governing body of an achievement charter school shall enter into a charter contract pursuant to NRS 388A.270 with the ~~[new sponsor of the school,]~~ State Public Charter School Authority. Upon the execution of such a contract, the school shall be deemed a charter school for all purposes and is subject to the provisions of chapter 388A of NRS. A contract to operate the achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210 before the effective date of this act is void on the date on which the charter contract is executed or on July 1, 2020, whichever occurs sooner.

3. ~~[The]~~ Until a charter contract is entered into pursuant to subsection 2 or the contract to operate an achievement charter school is void pursuant to subsection 2, the State Public Charter School Authority shall be deemed the sponsor of the achievement charter school and shall assume the duties prescribed for the Executive Director of the Achievement School District in any contract to operate the achievement charter school entered into pursuant to paragraph (d) of subsection 1 of NRS 388B.210, as that section existed

before the effective date of this act ~~_, until the contract is void pursuant to subsection 2.]~~

4. As used in this section:

(a) "Achievement charter school" has the meaning ascribed to it in NRS 385.007, as that section existed before the effective date of this act.

(b) "Charter school" has the meaning ascribed to it in NRS 385.007, as amended by section 2 of this act.

Sec. 38. Notwithstanding the selection of any school before the effective date of this act for conversion to an achievement charter school pursuant to NRS 388B.200 beginning with the 2020-2021 school year, no action may be taken on or after the effective date of this act to complete the conversion or operate the school as an achievement charter school and any contract entered into to operate the school as an achievement charter school is void.

Sec. 39. 1. Any regulations adopted by the Department of Education pursuant to NRS 388B.060 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 40. NRS 0.0302, 0.0307, 388A.025, 388B.010, 388B.020, 388B.030, 388B.040, 388B.050, 388B.060, 388B.100, 388B.110, 388B.120, 388B.200, 388B.210, 388B.220, 388B.230, 388B.240, 388B.250, 388B.260, 388B.270, 388B.280, 388B.290, 388B.400, 388B.410, 388B.420, 388B.430, 388B.440 and 388B.450 are hereby repealed.

Sec. 41. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

0.0302 "Achievement School District" defined.

0.0307 "Charter school" defined.

388A.025 "Charter school" defined.

388B.010 Definitions.

388B.020 "Charter management organization" defined.

388B.030 "Educational management organization" defined.

388B.040 "Executive Director" defined.

388B.050 "Public school" defined.

388B.060 Regulations.

388B.100 Creation; employees.

388B.110 Executive Director: Appointment; powers and duties.

388B.120 Account for the Achievement School District: Creation; administration; use; deposit of gifts, grants and bequests; claims.

388B.200 Conversion to achievement charter school: Eligibility; approval by State Board; selection of school; notification to school.

388B.210 Duties of Executive Director concerning conversion of school to achievement charter school; regulations that prescribe process to apply to operate achievement charter school; approval of application to operate more than one achievement charter school.

388B.220 Sponsor; appointment of governing body; Executive Director authorized to terminate contract to operate achievement charter school before expiration of contract.

388B.230 Selection and duties of principal; retention and reassignment of employees; requirement to operate in same building; building costs and expenses; capital projects; enrollment requirement; limitation on loans, advances and other monetary charges.

388B.240 Achievement charter school deemed local educational agency; Department to pay special education program units to eligible achievement charter school.

388B.250 Applicability of charter school provisions to achievement charter schools; waiver of certain requirements concerning operation.

388B.260 Board of trustees to provide services and facilities upon request of Executive Director; donation of surplus property of school district; authorization to acquire or purchase buildings, structures or property and engage in certain financial transactions.

388B.270 Application for money for facilities; certain achievement charter schools required to submit quarterly report of financial status.

388B.280 Participation by pupils in class or activity of school district in which pupil resides; revocation of approval to participate.

388B.290 Evaluation of achievement charter school during sixth year of operation; actions taken based upon results of evaluation; actions required if school that has not made adequate progress continues to operate as achievement school district; conversion to public school or charter school.

388B.400 Leave of absence from school district to accept or continue employment with achievement charter school; return of licensed employee to school district.

388B.410 Employees deemed to be public employees; terms and conditions of employment; transfer of employment records with school district to governing body.

388B.420 Reassignment of licensed employees upon termination of contract or cessation of operation as achievement charter school.

388B.430 Governing body to transmit employment record to school district upon request of board of trustees; investigation into misconduct during leave of absence.

388B.440 Eligibility for benefits of licensed employee on leave of absence; effect of leave of absence; eligibility of employee of achievement charter school for benefits.

388B.450 Determination of appropriate level of contribution toward retirement benefits; participation in plan of group insurance offered to employees of school district.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 433 to Senate Bill No. 321 revises section 37 of the bill to provide that any achievement charter school that has been approved before July 1, 2019, shall be deemed approved to operate a charter school without completing a new application. The school and the State Public Charter School Authority are then required to enter into a new charter contract, which provides for operation of the school pursuant to the provisions governing charter schools by July 1, 2020.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 440.

SUMMARY—Revises provisions relating to land use planning. (BDR 22-883)

AN ACT relating to land use planning; defining ~~the terms "superpad," "superpad final map," and "superpad tentative map."~~ "residential dwelling unit"; authorizing the governing body of a county or city to ~~include procedures for the development of a superpad~~ provide for the division of land into five or more lots in an ordinance for planned unit development; and setting forth those procedures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes procedures for the governing body of a city or county to include when enacting an ordinance for a proposed planned unit development. (NRS 278A.440-278A.590) ~~[Sections 2-7 of this bill define the terms "final tract map," "residential dwelling unit," "superpad," "superpad final map" and "superpad tentative map."]~~ Section 8 of this bill authorizes a governing body of a county or city that enacts an ordinance for a proposed planned unit development to ~~include the procedures for a proposed superpad~~ provide for the division of land within the planned unit development; ~~[Sections 9-14 of this bill establish the procedures and requirements for a proposed superpad that may be included in such an ordinance.~~

~~—Section 9 of this bill requires a landowner who proposes a superpad to file a superpad tentative map with and pay certain existing fees to the governing body or its designated representative. Section 9 also establishes the requirements for the preparation and review of the superpad tentative map. Section 10 of this bill requires, with limited exception, a landowner who has received approval of a superpad tentative map to file a superpad final map within 4 years after the approval of the superpad tentative map. Section 10 further establishes the requirements for the preparation and review of the superpad final map.~~

~~Section 11 of this bill prohibits a landowner from further subdividing a superpad for the construction of residential dwelling units unless he or she files a preliminary tract plan and final tract plan for the superpad. Section 12 of this bill requires a landowner who proposes to subdivide a superpad in a planned unit development for residential dwelling units to file a preliminary tract plan and pay certain existing fees. Section 12 also establishes the requirements for the preparation and approval of the preliminary tract plan. Section 13 of this bill requires the designated representative of the governing body to approve, conditionally approve or disapprove a preliminary tract plan within 30 days after receiving the preliminary tract plan. Section 14 of this bill requires a landowner to file a final tract plan and pay certain existing fees. Section 14 also establishes the requirements for the final tract plan.]~~ into five or more lots pursuant to a tentative and final map for land zoned for industrial or commercial development or a parcel map for the division of land for transfer or development. Section 8 requires such an ordinance to prohibit the development of a residential dwelling unit within such a planned unit development unless the lot that will be developed with the residential dwelling unit is further subdivided in accordance with certain existing requirements for the subdivision of land.

Section 8 further provides that a tentative map to further subdivide land for the development of residential dwelling units may be submitted and processed by the governing body at the same time as a tentative map or parcel map for the division of land. Sections 1 and 15 of this bill make conforming changes.

Section 4 of this bill defines the term "residential dwelling unit."

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

Section 1. NRS 278.461 is hereby amended to read as follows:

278.461 1. Except as otherwise provided in this section ~~[]~~ and section 8 of this act, a person who proposes to divide any land for transfer or development into four lots or less shall:

(a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and

(b) Pay a filing fee in an amount determined by the governing body,
↪ unless those requirements are waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid, and by the affidavit of the person who proposes to divide the land stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the person who proposes to divide the land or any successor in interest.

2. In addition to any other requirement set forth in this section, a person who is required to prepare a parcel map pursuant to subsection 1 shall provide a copy of the parcel map to the Division of Water Resources of the State Department of Conservation and Natural Resources and obtain a certificate from the Division indicating that the parcel map is approved as to the quantity of water available for use if:

(a) Any parcel included in the parcel map:

(1) Is within or partially within a basin designated by the State Engineer pursuant to NRS 534.120 for which the State Engineer has issued an order requiring the approval of the parcel map by the State Engineer; and

(2) Will be served by a domestic well; and

(b) The dedication of a right to appropriate water to ensure a sufficient supply of water is not required by an applicable local ordinance.

3. If the parcel map is submitted to the clerk of the governing body, the clerk shall submit the parcel map to the governing body at its next regular meeting.

4. A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and 278.466.

5. A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right-of-way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

6. A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS.

(e) Filing a certificate of amendment pursuant to NRS 278.473.

7. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided.

8. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.

9. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 1.5. Chapter 278A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2 to 14, inclusive,~~ 4 and 8 of this act.

Sec. 2. ~~As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.~~ (Deleted by amendment.)

Sec. 3. ~~"Final tract map" means a map prepared in accordance with NRS 278.325, 278.360 to 278.460, inclusive, 278.472, 278.4725 or 278.4955 or section 14 of this act, and any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.~~ (Deleted by amendment.)

Sec. 4. "Residential dwelling unit" means a building, or a portion of a building, planned, designed or used as a residence for one family only, living independently of other families or persons, and having its own bathroom and housekeeping facilities included in the building or portion of the building. The term does not include an apartment or any other building, or portion of a building, planned, designed or used as a residence for more than one family.

Sec. 5. ~~"Superpad" means a parcel of land within a planned unit development that is developed with utility infrastructure by a master developer.~~ (Deleted by amendment.)

Sec. 6. ~~"Superpad final map" means a map prepared in accordance with section 10 of this act, and any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the planned unit development is located or the recorder of Carson City.~~ (Deleted by amendment.)

Sec. 7. ~~"Superpad tentative map" means a map prepared in accordance with section 9 of this act, and any applicable local ordinance, which shows the design of a proposed superpad within a planned unit development and the existing conditions in and around the proposed superpad.~~ (Deleted by amendment.)

Sec. 8. 1. An ordinance enacted pursuant to this chapter for a ~~proposed~~ planned unit development may ~~contain the procedures and~~

~~requirements for creating, developing and subdividing a superpad within the planned unit development set forth in sections 2 to 14, inclusive, of this act.~~

~~2. An ordinance enacted pursuant to this chapter that includes the procedures provided in sections 2 to 14, inclusive, of this act:~~

~~(a) May designate the planning commission of the county or city, director of planning or other representative of the governing body or planning commission to review a superpad tentative map or superpad final map required pursuant to sections 9 and 10 of this act and take final action on the map or plan in lieu of the governing body.~~

~~(b) Shall designate the director of planning or other representative of the governing body or planning commission to review a preliminary tract plan, preliminary tract map, final tract plan and final tract map pursuant to sections 12, 13 and 14 of this act.~~ authorize the division of land within the planned unit development for transfer or development into five or more lots pursuant to:

(a) A tentative and final map for land zoned for industrial or commercial development in accordance with the requirements of NRS 278.325 and any other applicable requirements for such tentative and final maps; or

(b) A parcel map in accordance with the requirements of NRS 278.461 to 278.469, inclusive.

2. If an ordinance for a planned unit development authorizes the division of land pursuant to subsection 1, a residential dwelling unit may not be constructed on a lot divided pursuant to such an ordinance unless the lot is further subdivided in accordance with the requirements of NRS 278.326 to 278.460, inclusive.

3. If the governing body authorizes the division or subdivision of land within a planned unit development pursuant to this section, a landowner may submit a tentative map for the subdivision of land into one or more residential dwelling units at the same time a tentative map or a parcel map for the division of land is submitted. The landowner must pay any applicable fees for submitting such maps.

~~Sec. 9. {1. A landowner who proposes to create a superpad within a proposed planned unit development must first file a superpad tentative map with the governing body or its designated representative. Except as otherwise provided in subsections 2 and 3, a superpad tentative map must be filed and reviewed in accordance with the requirements of NRS 278.330 to 278.353, inclusive, and the landowner must pay the applicable fees set forth in NRS 278.3295, 278.330 and 704.6672.~~

~~2. For the purpose of the review of a superpad tentative map pursuant to the provisions of NRS 278.335 to 278.3485, inclusive, the landowner may include estimates concerning the sewage disposal, water pollution, water quantity, water supply facilities, traffic generation, schools, police and fire protection and recreation and park facilities based upon the zoning and density of the proposed planned unit development established in the ordinance enacted pursuant to the provisions of this chapter.~~

~~3. A governing body or its designated representative shall consider the criteria set forth in subsection 3 of NRS 278.340 in determining whether to take final action on a superpad tentative map to the extent that such criteria is not otherwise addressed or is not inconsistent with the ordinance enacted pursuant to the provisions of this chapter.~~

~~4. After accepting a superpad tentative map, the governing body or its designated representative may approve, conditionally approve or disapprove the superpad tentative map.] (Deleted by amendment.)~~

Sec. 10. ~~[1. Unless a longer time is provided in the ordinance enacted pursuant to this chapter, within 4 years after the approval of a superpad tentative map pursuant to section 9 of this act, a landowner proposing a superpad shall file a superpad final map with the governing body or its designated representative.~~

~~2. A superpad final map must be:~~

~~(a) Prepared in accordance with the superpad tentative map for the entire area for which the superpad tentative map has been approved pursuant to section 9 of this act; and~~

~~(b) Except as otherwise provided in subsections 3 and 4, filed and reviewed in accordance with the requirements of NRS 278.371 to 278.460, inclusive, and the landowner must pay the applicable fees set forth in NRS 278.3295, 278.450 and 704.6672.~~

~~3. A superpad final map presented for filing pursuant to this section is not required to include a certificate of approval issued by the Division of Water Resources of the State Department of Conservation and Natural Resources pursuant to paragraph (b) of subsection 1 of NRS 278.377.~~

~~4. Any state or local agency that is required to review a superpad final map concerning sewage disposal, water pollution, water quantity, water supply facilities, traffic generation, schools, police and fire protection and recreation and park facilities pursuant to NRS 278.374 to 278.378, inclusive, shall use the underlying density and zoning of the planned unit development established in the ordinance enacted pursuant to the provisions of this chapter when determining whether to approve a superpad final map.] (Deleted by amendment.)~~

Sec. 11. ~~[1. Except as otherwise provided in subsection 2, a superpad may be transferred, developed or subdivided in accordance with the provisions of:~~

~~(a) NRS 278.326 to 278.460, inclusive, for the subdivision of land;~~

~~(b) NRS 278.461 to 278.469, inclusive, for a parcel map; or~~

~~(c) Sections 12, 13 and 14 of this act.~~

~~2. A residential dwelling unit may not be constructed on a superpad unless the superpad is further subdivided pursuant to the provisions of section 14 of this act or NRS 278.326 to 278.460, inclusive.] (Deleted by amendment.)~~

Sec. 12. ~~[1. A landowner who proposes to further subdivide a superpad into five or more parcels for residential dwelling units must submit a~~

~~preliminary tract plan to the designated representative of the governing body and pay the applicable fees set forth in NRS 278.3295 and 704.6672.~~

~~2. A copy of the preliminary tract plan must be forwarded by the designated representative, to all state and local agencies charged with reviewing a tentative map for a proposed subdivision pursuant to NRS 278.335 to 278.3485, inclusive.~~

~~3. The preliminary tract plan must be prepared for the entire area of the superpad and include:~~

~~(a) A preliminary map;~~

~~(b) A site survey and site analysis of the superpad and its immediate surroundings;~~

~~(c) A site plan that includes the proposed plotting of the lots, grading and drainage plan, utility plan and landscape design;~~

~~(d) An affidavit by the landowner stating that the landowner will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the landowner or any successor in interest, and~~

~~(e) Any other information reasonably requested by the designated representative.~~

~~4. Each agency which receives a copy of the preliminary tract plan pursuant to subsection 2 shall review the preliminary tract plan pursuant to NRS 278.335 to 278.3485, inclusive, and file written comments on the preliminary tract plan with the designated official within 15 days after the receipt of the preliminary tract plan.] (Deleted by amendment.)~~

Sec. 13. ~~[1. The designated representative of the governing body shall, within 30 days after a complete preliminary tract plan is submitted pursuant to section 12 of this act, approve, conditionally approve or disapprove the preliminary tract plan pursuant to subsections 2, 3 and 4.~~

~~2. The designated representative may consider the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a preliminary tract plan.~~

~~3. The designated representative shall approve or conditionally approve a preliminary tract plan upon a determination that the preliminary tract plan substantially conforms to:~~

~~(a) The superpad final map submitted pursuant to section 10 of this act;~~

~~(b) Any comments filed pursuant to subsection 4 of section 12 of this act by state and local agencies regarding their review of the preliminary tract plan; and~~

~~(c) The requirements of the ordinance enacted pursuant to this chapter.~~

~~4. If the designated representative determines that the preliminary tract plan does not substantially conform pursuant to subsection 3, the designated representative shall:~~

~~(a) Disapprove the preliminary tract plan; and~~

~~(b) Return the preliminary tract plan to the person who proposes to subdivide the land, with the reason for disapproving the preliminary tract plan and recommendations for the person to bring the preliminary tract plan into substantial conformance.~~

~~5. Any determination that a preliminary tract plan is not in substantial conformance pursuant to subsection 3 may be initially appealed to the planning commission within 30 days after the determination is made. The planning commission shall consider an appeal made pursuant to paragraph (a) and may affirm or reverse the determination. A decision of the planning commission may be appealed in accordance with the ordinance adopted pursuant to NRS 278.3195. † (Deleted by amendment.)~~

Sec. 14. ~~†1. After the approval of a preliminary tract plan pursuant to section 13 of this act, the landowner shall submit a final tract plan to the designated representative of the governing body and pay the applicable fees set forth in NRS 278.3295, 278.450 and 704.6672.~~

~~2. The final tract plan must include:~~

~~(a) A final tract map;~~

~~(b) A final site plan; and~~

~~(c) Any other necessary supporting material.~~

~~3. The final tract map must:~~

~~(a) Be prepared in accordance with the preliminary tract plan; and~~

~~(b) Comply with the requirements of NRS 278.360 to 278.460, inclusive, for a final map. † (Deleted by amendment.)~~

Sec. 15. NRS 278A.030 is hereby amended to read as follows:

278A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 278A.040 to 278A.070, inclusive, and section 4 of this act, have the meanings ascribed to them in such sections.

~~†Sec. 15.†~~ Sec. 16. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

This relates to land use planning. Amendment No. 440 to Senate Bill No. 327 deletes most of the provisions of the bill and provides that a tentative map to further subdivide land for the development of residential dwelling units may be submitted and processed by the governing body at the same time as a tentative map or parcel map for the division of land.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 366.

Bill read second time.

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

Amendment No. 424.

SUMMARY—~~[Revises]~~ Establishes provisions relating to ~~[dental hygienists and the practice of dental hygiene and]~~ dental therapy. (BDR 54-661)

AN ACT relating to dental care; ~~establishing the Nevada State Board of Dental Hygienists to govern dental hygienists and the practice of dental hygiene;~~ establishing the profession of dental therapy governed by the Board of Dental Examiners of Nevada; revising provisions relating to dentistry and dental hygiene; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains provisions relating to dental hygienists and the practice of dental hygiene within chapter 631 of NRS, which relates to dentistry. ~~[Sections 2-55 of this bill create a new chapter within NRS relating solely to dental hygienists and the practice of dental hygiene.]~~

Sections 58-68 of this bill establish the profession and practice of dental therapy in chapter 631 of NRS. Sections 69-~~131~~ 133.5 of this bill revise various provisions of NRS to account for ~~[the removal of provisions relating to dental hygienists and the practice of dental hygiene and the addition of the new chapter relating solely to dental hygienists and the practice of dental hygiene. In addition, sections 56 and 57 of this bill and sections 69-131 revise various provisions of NRS to account for]~~ the addition of the profession of dental therapists and the practice of dental therapy.

~~[Section 132 of this bill provides for the transition of authority over dental hygienists and the practice of dental hygiene from chapter 631 of NRS to the new chapter and new professional licensing board created by sections 2 to 55 of this bill.]~~

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

Section 1. ~~[Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 55, inclusive, of this act.]~~ (Deleted by amendment.)

Sec. 2. ~~[As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.]~~ (Deleted by amendment.)

Sec. 3. ~~["Accredited" means approved by the Commission on Dental Accreditation of the American Dental Association or its successor organization.]~~ (Deleted by amendment.)

Sec. 4. ~~["Board" means the Nevada State Board of Dental Hygienists created by section 11 of this act.]~~ (Deleted by amendment.)

Sec. 5. ~~["Dental hygiene" means the performance of educational, preventive and therapeutic periodontal treatment, including sealing, curettage and planing of roots and any related and required intraoral or extraoral procedures that a dentist is authorized to assign to a dental hygienist.]~~ (Deleted by amendment.)

Sec. 6. ~~["Dental hygienist" means any person who practices the profession of dental hygiene and is licensed pursuant to this chapter.]~~ (Deleted by amendment.)

Sec. 7. ~~["License" means a license issued by the Board pursuant to section 24 of this act.] (Deleted by amendment.)~~

Sec. 8. ~~["Malpractice" means failure on the part of a dental hygienist to exercise the degree of care, diligence and skill ordinarily exercised by dental hygienists in good standing in the community in which he or she practices. As used in this section, "community" means the entire geographic area customarily served by dental hygienists among whom a patient may reasonably choose, not merely the particular geographic area inhabited by the patients of that individual dental hygienist or the particular city or place where he or she has his or her office.] (Deleted by amendment.)~~

Sec. 9. ~~["Renewal certificate" means the certificate of renewal of a license issued by the Board pursuant to section 32 of this act.] (Deleted by amendment.)~~

Sec. 10. ~~["Supervision by a dentist" means that a dentist is:
1. Physically present in the office where the procedures to be supervised are being performed, while these procedures are being performed; and
2. Capable of responding immediately if any emergency should arise.] (Deleted by amendment.)~~

Sec. 11. ~~[The Nevada State Board of Dental Hygienists, consisting of seven members appointed by the Governor, is hereby created.] (Deleted by amendment.)~~

Sec. 12. ~~[1. The Governor shall appoint to the Board:
(a) Five members who:
(1) Are graduates of accredited schools or colleges of dental hygiene;
(2) Are residents of Nevada; and
(3) Have been actively engaged in the practice of dental hygiene in Nevada for a period of at least 5 years before their appointment to the Board.
(b) One member who has resided in Nevada for at least 5 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.
(c) One member who is a representative of the general public. This member must not be:
(1) A dentist, a dental therapist or a dental hygienist; or
(2) The spouse or the parent or child, by blood, marriage or adoption, of a dentist, a dental therapist or a dental hygienist.
2. If a member is not licensed pursuant to the provisions of this chapter, the member shall not participate in grading any examination required by the Board.
3. As used in this section, "dental therapist" has the meaning ascribed to it in section 59 of this act.] (Deleted by amendment.)~~

Sec. 13. ~~[The five members of the Board appointed pursuant to paragraph (a) of subsection 1 of section 12 of this act must be appointed from areas of the State as follows:~~

~~1. Two of those members must be from Carson City, Douglas County or Washoe County.~~

~~2. Two of those members must be from Clark County.~~

~~3. One of those members may be from any county of the State.] (Deleted by amendment.)~~

Sec. 14. ~~[The Governor shall remove from office any member of the Board for:~~

~~1. Continued neglect of duty.~~

~~2. Incompetency.~~

~~3. Dishonorable or unprofessional conduct as defined in this chapter.] (Deleted by amendment.)~~

Sec. 15. ~~[1. At its first regular meeting of each year, the Board shall elect from its membership a President and a Secretary-Treasurer, each of whom shall hold office for 1 year and until his or her successor is elected and qualified.~~

~~2. The Board shall define the duties of the President, the Secretary-Treasurer and the Executive Director.~~

~~3. The Executive Director shall receive such compensation as determined by the Board, and the Board shall fix the amount of the bond to be furnished by the Secretary-Treasurer and the Executive Director.] (Deleted by amendment.)~~

Sec. 16. ~~[1. The Board shall meet whenever necessary to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside this State, and for this purpose may use the facilities of dental colleges.~~

~~2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.~~

~~3. A quorum consists of five members of the Board.] (Deleted by amendment.)~~

Sec. 17. ~~[The liability of any person retained as an independent contractor by the Board to judge the qualifications of an applicant for licensure by the Board is limited to the same extent as is provided in NRS 41.035 for a member of the Board.] (Deleted by amendment.)~~

Sec. 18. ~~[1. Each member of the Board is entitled to receive:~~

~~(a) A salary of not more than \$150 per day as fixed by the Board, while engaged in the business of the Board; and~~

~~(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.~~

~~3. The Board shall deposit in banks, credit unions or savings and loan associations in this State all fees which it receives.~~

~~4. All expenses of the Board must be paid from the fees received by the Board, and no part thereof may be paid from the State General Fund.] (Deleted by amendment.)~~

Sec. 19. ~~[In addition to the powers and duties provided in this chapter, the Board shall:~~

~~1. Adopt rules and regulations necessary to carry out the provisions of this chapter;~~

~~2. Appoint such committees, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter;~~

~~3. Fix the time and place for and conduct examinations for the granting of licenses to practice dental hygiene;~~

~~4. Examine applicants for licenses to practice dental hygiene;~~

~~5. Collect and apply fees as provided in this chapter;~~

~~6. Keep a register of all dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers;~~

~~7. Have and use a common seal;~~

~~8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in section 50 of this act, the records must be open to public inspection;~~

~~9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter;~~

~~10. Have discretion to examine work authorizations in dental offices or dental laboratories.] (Deleted by amendment.)~~

Sec. 20. ~~[The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.] (Deleted by amendment.)~~

Sec. 21. ~~[1. Every applicant for a license to practice dental hygiene must:~~

~~(a) File an application with the Board at least 45 days before:~~

~~(1) The date on which the examination will be given; or~~

~~(2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application;~~

~~(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.~~

~~(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~2. An application must include all information required to complete the application.] (Deleted by amendment.)~~

Sec. 22. ~~[1. In addition to any other requirements set forth in this chapter:~~

~~—(a) An applicant for the issuance of a license to practice dental hygiene shall include the social security number of the applicant in the application submitted to the Board.~~

~~—(b) An applicant for the issuance or renewal of a license to practice dental hygiene shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~—2. The Board shall include the statement required pursuant to subsection 1 in:~~

~~—(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~—(b) A separate form prescribed by the Board.~~

~~—3. A license to practice dental hygiene may not be issued or renewed by the Board if the applicant:~~

~~—(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~—(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~—4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.]~~
(Deleted by amendment.)

Sec. 23. ~~[1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license to practice dental hygiene shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~—2. The Board shall include the statement required pursuant to subsection 1 in:~~

~~—(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~—(b) A separate form prescribed by the Board.~~

~~—3. A license to practice dental hygiene may not be issued or renewed by the Board if the applicant:~~

~~—(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~—(b) Indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in~~

~~compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he or she is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.] (Deleted by amendment.)~~

~~Sec. 24. [As soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene subject to the provisions of this chapter.] (Deleted by amendment.)~~

~~Sec. 25. [1. The Board shall, without a clinical examination required by section 29 of this act, issue a limited license to practice dental hygiene to a person who:~~

~~(a) Is otherwise qualified for a license to practice dental hygiene in this State;~~

~~(b) Pays the required application fee;~~

~~(c) Has entered into a contract with the Nevada System of Higher Education to provide services as an instructor of dental hygiene at an educational facility of the Nevada System of Higher Education;~~

~~(d) Satisfies the requirements of section 28 of this act; and~~

~~(e) Satisfies at least one of the following requirements:~~

~~(1) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;~~

~~(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board; or~~

~~(3) Has the educational facility where the person will provide services as an instructor of dental hygiene submit to the Board written confirmation that the person has entered into a contract at the facility to provide the services described in paragraph (c) and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as an instructor of dental hygiene, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.~~

~~2. The Board shall not issue a limited license to a person:~~

~~(a) Who has been issued a license to practice dental hygiene if:~~

~~(1) The person is involved in a disciplinary action concerning the license;~~
~~or~~

~~(2) The license has been revoked or suspended; or~~

~~(b) Who has been refused a license to practice dental hygiene, in this State, another state or territory of the United States, or the District of Columbia.~~

~~3. A person to whom a limited license is issued pursuant to subsection 1:~~

~~(a) May practice dental hygiene in this State only:~~

~~(1) At the educational facility where he or she is contracted to provide services pursuant to paragraph (c) of subsection 1; and~~

~~(2) In accordance with the contract required by paragraph (c) of subsection 1.~~

~~(b) Shall not, for the duration of the limited license, engage in the private practice of dental hygiene in this State or accept compensation for the practice of dental hygiene except such compensation as may be paid to him or her by the Nevada System of Higher Education for services provided as an instructor of dental hygiene.~~

~~4. A limited license issued pursuant to this section expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in section 32 of this act and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.~~

~~5. Within 7 days after the termination of the contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license to the Board.~~

~~6. The Board may revoke a limited license at any time upon submission of substantial evidence to the Board that the holder of the limited license violated any provision of this chapter or the regulations of the Board. (Deleted by amendment.)~~

Sec. 26. ~~1. The Board shall, without a clinical examination required by section 29 of this act, issue a restricted geographical license to practice dental hygiene to a person if he or she meets the requirements of subsection 2 and:~~

~~(a) A board of county commissioners submits a request that the Nevada State Board of Dental Hygienists waive the requirements of section 29 of this act for any applicant intending to practice dental hygiene in a rural area of a county in which dental hygiene needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;~~

~~(b) Two or more boards of county commissioners submit a joint request that the Nevada State Board of Dental Hygienists waive the requirements of section 29 of this act for any applicant intending to practice dental hygiene in one or more rural areas within those counties in which dental hygiene needs~~

~~are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or~~

~~— (e) The director of a federally qualified health center, as defined in 42 U.S.C. § 1396d(l)(2)(B), or a nonprofit clinic submits a request that the Board waive the requirements of section 29 of this act for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.~~

~~— 2. A person may apply for a restricted geographical license if he or she:~~

~~— (a) Has a license to practice dental hygiene issued pursuant to the laws of another state or territory of the United States or the District of Columbia;~~

~~— (b) Is otherwise qualified for a license to practice dental hygiene in this State;~~

~~— (c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to section 29 of this act;~~

~~— (d) Submits all information required to complete an application for a license; and~~

~~— (e) Satisfies the requirements of section 28 of this act.~~

~~— 3. The Board shall not issue a restricted geographical license to a person:~~

~~— (a) Whose license to practice dental hygiene has been revoked or suspended;~~

~~— (b) Who has been refused a license to practice dental hygiene; or~~

~~— (c) Who is involved in or has pending a disciplinary action concerning his or her license to practice dental hygiene;~~

~~— in this State, another state or territory of the United States or the District of Columbia.~~

~~— 4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.~~

~~— 5. A person to whom a restricted geographical license is issued pursuant to this section:~~

~~— (a) May practice dental hygiene only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.~~

~~— (b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dental hygiene in this State or accept compensation for the practice of dental hygiene except such compensation as may be paid to him or her by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.~~

~~— 6. Within 7 days after the termination of the contract entered into pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.~~

~~— 7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by section 29 of this act if the person:~~

~~—(a) Has not had his or her license to practice dental hygiene revoked or suspended in this State, another state or territory of the United States or the District of Columbia;~~

~~—(b) Has not been refused a license to practice dental hygiene in this State, another state or territory of the United States or the District of Columbia;~~

~~—(c) Is not involved in or does not have pending a disciplinary action concerning his or her license to practice dental hygiene in this State, another state or territory of the United States or the District of Columbia; and~~

~~—(d) Has:~~

~~—(1) Actively practiced dental hygiene for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or~~

~~—(2) Been under contract with a federally qualified health center, as defined in 42 U.S.C. § 1396d(1)(2)(B), or nonprofit clinic for a minimum of 3 years.~~

~~—8. The Board may revoke a restricted geographical license at any time upon submission of substantial evidence to the Board that the holder of the license violated any provision of sections 2 to 55, inclusive, of this act or the regulations of the Board. (Deleted by amendment.)~~

~~Sec. 27. [1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of his or her license allowing him to practice public health dental hygiene pursuant to subsection 2.~~

~~—2. The State Dental Health Officer may authorize a person who holds a special endorsement issued pursuant to subsection 1 to provide or cause to be provided such services for the promotion of public health dental hygiene as the State Dental Health Officer deems appropriate. Such services:~~

~~—(a) May be provided at schools, community centers, hospitals, nursing homes and such other locations as the State Dental Health Officer deems appropriate;~~

~~—(b) May not be provided at a dental office that is not operated by a public or nonprofit entity.] (Deleted by amendment.)~~

~~Sec. 28. [1. Any person is eligible to apply for a license to practice dental hygiene in this State who:~~

~~—(a) Is of good moral character;~~

~~—(b) Is over 18 years of age;~~

~~—(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~

~~—(d) Is a graduate of a program of dental hygiene from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental hygiene must:~~

~~—(1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and~~

~~(2) Include a curriculum of not less than 2 years of academic instruction in dental hygiene or its academic equivalent.~~

~~2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.] (Deleted by amendment.)~~

Sec. 29. ~~[1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:~~

~~(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and~~

~~(b) Except as otherwise provided in this chapter, must:~~

~~(1) Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth;~~
~~or~~

~~(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.~~

~~2. The clinical examination given by the Board must include components that are:~~

~~(a) Written or oral, or a combination of both; and~~

~~(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.~~

~~3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.~~

~~4. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter and are entitled to receive a certificate of registration, signed by all members of the Board.] (Deleted by amendment.)~~

Sec. 30. ~~[1. Except as otherwise provided in sections 25 and 27 of this act, the holder of a license or renewal certificate to practice dental hygiene may practice dental hygiene in this State in the following places:~~

~~(a) In the office of any licensed dentist.~~

~~(b) In a clinic or in clinics in the public schools of this State as an employee of the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~—(c) In a clinic or in clinics in a state institution as an employee of the institution.~~

~~—(d) In a clinic established by a hospital approved by the Board as an employee of the hospital where service is rendered only to patients of the hospital, and upon the authorization of a member of the dental staff.~~

~~—(e) In an accredited school of dental hygiene.~~

~~—(f) In other places if specified in a regulation adopted by the Board.~~

~~—2. A dental hygienist may perform only the services which are authorized by a dentist licensed in the State of Nevada, unless otherwise provided in a regulation adopted by the Board.~~

~~—3. Except as otherwise provided in section 27 of this act or specifically authorized by a regulation adopted by the Board, a dental hygienist shall not provide services to a person unless that person is a patient of the dentist who authorized the performance of those services.~~

~~—4. A dental hygienist may, pursuant to the provisions of subsection 3 and regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 439.960, if the health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.~~

~~—5. A dental hygienist shall not perform diagnosis or treatment planning unless otherwise provided in regulations adopted by the Board.~~

~~—6. In locations approved by the Board, a dental hygienist may make use of teledentistry as a mechanism for a patient to receive services when the patient is in one physical location and the dentist or other oral health or general care practitioner overseeing the delivery of those services is in another location.~~

~~—7. As used in this section, "teledentistry" has the meaning ascribed to it in section 61 of this act.~~ (Deleted by amendment.)

Sec. 31. ~~[The Board shall adopt rules or regulations:~~

~~—1. Specifying the intraoral tasks that may be performed by a dental hygienist engaged in school health activities or employed by a public health agency.~~

~~—2. Governing the practice of dental hygienists in full-time employment with the State of Nevada.]~~ (Deleted by amendment.)

Sec. 32. ~~[1. A license issued pursuant to section 24 of this act must be renewed annually. All other licenses must be renewed biennially.~~

~~—2. Except as otherwise provided in section 25 of this act:~~

~~—(a) Each holder of a license to practice dental hygiene must, upon:~~

~~—(1) Payment of the required fee;~~

~~—(2) Submission of proof of completion of the required continuing education; and~~

~~—(3) Submission of all information required to complete the renewal,~~

~~→ be granted a renewal certificate which will authorize continuation of the practice for 2 years.~~

~~(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.~~

~~3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked. (Deleted by amendment.)~~

Sec. 33. ~~1. The license of a person who does not actively practice in this State for 1 year automatically reverts to inactive status at the time the license renewal fee is next payable. If a person whose license has reverted to inactive status:~~

~~(a) Continues to practice actively outside this State, his or her license may be reinstated to active status by the Secretary-Treasurer of the Board if he or she pays the required reinstatement fee and complies with the conditions prescribed by the regulations of the Board.~~

~~(b) Does not continue to practice, his license may be reinstated to active status only upon the motion of the Board, submission of the required reinstatement fee and proof of continuing education and compliance with the conditions prescribed by the regulations of the Board.~~

~~2. A licensee who has a disability and cannot practice, or who is retired must be issued a license which reflects that status when the fee to renew his or her license is next payable. His or her license may be reinstated to active status only upon the motion of the Board, submission of the required reinstatement fee and proof of continuing education and compliance with the conditions prescribed by the regulations of the Board. (Deleted by amendment.)~~

Sec. 34. ~~1. Any person who has obtained from the Board a license to practice dental hygiene in this State, and who fails to obtain a renewal certificate, must, before resuming practice, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.~~

~~2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter. (Deleted by amendment.)~~

Sec. 35. ~~1. The Board shall adopt regulations concerning continuing education in dental hygiene. The regulations must include:~~

~~(a) The number of hours of credit required annually;~~

~~(b) The criteria used to accredit each course;~~

~~(c) The requirements for submission of proof of attendance at courses; and~~

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

- ~~(1) An overview of acts of terrorism and weapons of mass destruction;~~
- ~~(2) Personal protective equipment required for acts of terrorism;~~
- ~~(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;~~
- ~~(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and~~
- ~~(5) An overview of the information available on, and the use of, the Health Alert Network.~~

~~→ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.~~

~~2. As used in this section:~~

- ~~(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.~~
- ~~(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.~~
- ~~(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.~~
- ~~(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.~~
- ~~(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.~~ (Deleted by amendment.)

Sec. 36. ~~[A holder of an inactive license, or the holder of a license who is retired or has a disability, is exempt from the requirement of continuing education. If the holder of such a license applies to the Board to reactivate it, he must submit proof of continuing education for the year in which the license is restored to active status.] (Deleted by amendment.)~~

Sec. 37. ~~[1. The Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter, which must not exceed the following amounts:~~

Application fee for an initial license to practice dental hygiene	750
Application fee for a limited license or restricted license to practice dental hygiene	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene	600
Annual license renewal fee for a limited license to practice dental hygiene	300
Biennial license renewal fee for an inactive dental hygienist	200

~~Biennial license renewal fee for a dental hygienist who is
retired or has a disability 100
Reinstatement fee for a suspended license to practice
dental hygiene..... 500
Reinstatement fee for a revoked license to practice dental
hygiene 500
Reinstatement fee to return a dental hygienist who is
inactive, retired or has a disability to active status 500
Fee for the certification of a license 50~~

~~2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.~~

~~3. All fees prescribed in this section are payable in advance and must not be refunded.~~ (Deleted by amendment.)

Sec. 38. ~~[The following acts, among others, constitute unprofessional conduct:~~

~~1. Except as otherwise provided in section 27 of this act, giving a public demonstration of methods of practice in any place other than the office where the licensee is known to be regularly engaged in such practice;~~

~~2. Procuring, inducing, aiding or abetting a person not licensed or registered as a dentist or dental hygienist to engage in the practice of dentistry or dental hygiene, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;~~

~~3. Practicing in any place not authorized pursuant to this chapter; or~~

~~4. Practicing while the licensee's license is suspended or without a renewal certificate.]~~ (Deleted by amendment.)

Sec. 39. ~~[The following acts, among others, constitute unprofessional conduct:~~

~~1. Dividing fees or agreeing to divide fees received for services with any person for bringing or referring a patient, without the knowledge of the patient or his or her legal representative;~~

~~2. Associating with or lending his or her name to any person engaged in the illegal practice of dentistry or associating with any person, firm or corporation holding himself or itself out in any manner contrary to the provisions of this chapter or chapter 631 of NRS.~~

~~3. Using the name "clinic," "institute," "referral services" or other title or designation that may suggest a public or semipublic activity.]~~ (Deleted by amendment.)

Sec. 40. ~~[The following acts, among others, constitute unprofessional conduct:~~

~~1. Malpractice;~~

~~2. The suspension or revocation of a license to practice dental hygiene, the imposition of a fine or other disciplinary action by any agency of another~~

~~state authorized to regulate the practice of dentistry or dental hygiene in that state;~~

~~3. More than one act by the dental hygienist constituting substandard care in the practice of dental hygiene;~~

~~4. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the dental hygienist unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental hygiene profession; or~~

~~5. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dental hygiene in this State, or conviction of any criminal violation of this chapter.} (Deleted by amendment.)~~

Sec. 41. ~~[The following acts, among others, constitute unprofessional conduct:~~

~~1. Publishing or circulating, directly or indirectly, any fraudulent, false or misleading statement concerning the skill or method of practice of any dentist or dental hygienist;~~

~~2. Using advertising which is false or misleading;~~

~~3. Claiming or inferring professional superiority over neighboring practitioners;~~

~~4. Using fraud or misrepresentation to secure a license;~~

~~5. Practicing under a name, other than a lawfully assumed or fictitious name, that is false or misleading; or~~

~~6. Submitting a false or fraudulent claim for payment to an insurer for dental hygiene services rendered.} (Deleted by amendment.)~~

Sec. 42. ~~[The following acts, among others, constitute unprofessional conduct:~~

~~1. Willful or repeated violations of the provisions of this chapter;~~

~~2. Willful or repeated violations of the regulations of the State Board of Health, the State Board of Pharmacy or the Nevada State Board of Dental Hygienists;~~

~~3. Failure to pay the fees for a license; or~~

~~4. Failure to make the health care records of a patient available for inspection and copying as provided in NRS 629.061.} (Deleted by amendment.)~~

Sec. 43. ~~[1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dental hygiene, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~2. The Board shall reinstate a license to practice dental hygiene that has been suspended by a district court pursuant to NRS 425.540 if:~~

~~(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and~~

~~(b) The person whose license was suspended pays the fee imposed pursuant to section 37 of this act for the reinstatement of a suspended license.] (Deleted by amendment.)~~

Sec. 44. ~~[The acts described in sections 38 to 42, inclusive, of this act must not be construed as a complete list of dishonorable or unprofessional conduct, or as authorizing or permitting the performance of other and similar acts, or as limiting or restricting the Board from holding that other or similar acts constitute dishonorable or unprofessional conduct.] (Deleted by amendment.)~~

Sec. 45. ~~1. Except as otherwise provided in section 25 of this act, the Board may:~~

~~(a) Refuse to issue a license to any person;~~

~~(b) Revoke or suspend the license or renewal certificate issued by it to any person;~~

~~(c) Fine a person it has licensed;~~

~~(d) Place a person on probation for a specified period on any conditions the Board may order;~~

~~(e) Issue a public reprimand to a person;~~

~~(f) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;~~

~~(g) Require that a person's practice be supervised;~~

~~(h) Require a person to perform community service without compensation;~~

~~(i) Require a person to take a physical or mental examination or an examination of his or her competence;~~

~~(j) Require a person to fulfill certain training or educational requirements;~~

~~(k) Require a person to reimburse a patient; or~~

~~(l) Any combination thereof;~~

~~2. upon submission of substantial evidence to the Board that the person has engaged in any of the activities listed in subsection 2.~~

~~2. The following activities may be punished as provided in subsection 1:~~

~~(a) Engaging in the illegal practice of dental hygiene;~~

~~(b) Engaging in unprofessional conduct; or~~

~~(c) Violating any regulations adopted by the Board or the provisions of this chapter.~~

~~3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.~~

~~4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.~~

~~5. The Board shall not administer a private reprimand.~~

~~6. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.] (Deleted by amendment.)~~

Sec. 46. ~~[1. Any disciplinary action taken by a hearing officer or panel pursuant to section 45 of this act is subject to the same procedural requirements which apply to disciplinary actions taken by the Board, and the officer or panel has those powers and duties given to the Board in relation thereto.~~

~~2. Any decision of the hearing officer or panel relating to the imposition of any disciplinary action pursuant to this chapter is a final decision in a contested case.] (Deleted by amendment.)~~

Sec. 47. ~~[1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license or certificate under this chapter, investigate the actions of any person holding a certificate.~~

~~2. The Board shall, before refusing to issue, or before suspending or revoking any certificate, at least 10 days before the date set for the hearing, notify in writing the applicant or the holder of the certificate of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.~~

~~3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.~~

~~4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.~~

~~5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.~~

~~6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.] (Deleted by amendment.)~~

Sec. 48. ~~1.—The Board may appoint one of its members and any of its employees, investigators or other agents to conduct an investigation and informal hearing concerning any practice by a person constituting a violation of the provisions of this chapter or the regulations of the Board.~~

~~2.—The investigator designated by the Board to conduct a hearing shall notify the person being investigated at least 10 days before the date set for the hearing. The notice must describe the reasons for the investigation and must be served personally on the person being investigated or by mailing it by registered or certified mail to his or her last known address.~~

~~3.—If, after the hearing, the investigator determines that the Board should take further action concerning the matter, he shall prepare written findings of fact and conclusions and submit them to the Board. A copy of his or her report must be sent to the person being investigated.~~

~~4.—If the Board, after receiving the report of its investigator pursuant to this section, holds its own hearing on the matter pursuant to section 47 of this act, it may consider the investigator's report but is not bound by his or her findings or conclusions. The investigator shall not participate in the hearing conducted by the Board.~~

~~5.—If the person who was investigated agrees in writing to the findings and conclusions of the investigator, the Board may adopt that report as its final order and take such action as is necessary without conducting its own hearing on the matter.~~ (Deleted by amendment.)

Sec. 49. ~~1.—The district court for the county in which any investigation or hearing is being conducted by the Board may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by or on behalf of the Board.~~

~~2.—If any witness refuses to attend or testify or produce any papers required by a subpoena, the Board may so report to the district court for the county in which the investigation or hearing is pending by petition, setting forth:~~

~~(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;~~

~~(b) That the witness has been subpoenaed in the manner prescribed in this chapter;~~

~~(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Board in the investigation or hearing named in the subpoena, or has refused to answer questions propounded to him or her in the course of the investigation or hearing;~~

~~(d) That the subpoena identified specifically any documents or the subject of any testimony required;~~

~~(e) That the documents or testimony were relevant to the allegations being investigated or heard; and~~

~~(f) That no reasonable cause exists for the failure or refusal to comply with the subpoena,~~

~~and requesting an order of the court compelling the witness to attend and testify or produce the books or papers before the Board.~~

~~3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, not more than 10 days after the service of the order, and show cause why he or she has not attended or testified or produced the books or papers before the Board. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by or on behalf of the Board and there is no reasonable cause for the refusal or failure to comply, the court shall thereupon enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order, the witness must be dealt with as if in contempt of court.~~

~~4. The court may consider, in determining whether reasonable cause existed for the witness's refusal or failure to comply with the subpoena, such factors as:~~

- ~~(a) The burden or cost of compliance, financial or otherwise, to the witness;~~
- ~~(b) The time allowed for compliance;~~
- ~~(c) The extent of the information requested in relation to the nature of the underlying charge; and~~
- ~~(d) The extent of the statistical information necessary to investigate the charge adequately.] (Deleted by amendment.)~~

Sec. 50. ~~[1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.~~

~~2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.~~

~~3. The Board may provide any record or information described in subsection 1 to any other licensing board or agency or any agency which is investigating a person licensed pursuant to this chapter, including a law enforcement agency.] (Deleted by amendment.)~~

Sec. 51. ~~[1. Any person who furnishes information to the Board concerning a licensee or an applicant for licensure, in good faith and without malicious intent, is immune from any civil action for furnishing that information.~~

~~2. The Board, any member, employee or committee of the Board, counsel, investigator, expert, hearing officer, licensee or other person who assists the Board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning licensure or reissuance of a license or a criminal prosecution is immune from any civil liability for:~~

- ~~(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the Board.~~
- ~~(b) Disseminating information concerning a licensee or an applicant for licensure to any member of the public, other licensing board, national association of registered boards, an agency of the Federal Government or of the State, the Attorney General or any law enforcement agency.~~

~~3. A defendant who is the prevailing party in a civil action brought pursuant to subsection 2 may recover the attorney's fees and costs incurred in defending the action.] (Deleted by amendment.)~~

Sec. 52. ~~[All licenses and renewal certificates to practice dental hygiene heretofore issued by the Board of Dental Examiners of Nevada and in force on March 20, 1951, if any, shall remain in force subject to the provisions of this chapter and shall entitle the holders to practice their profession as therein designated.] (Deleted by amendment.)~~

Sec. 53. ~~[Except as otherwise provided in section 31 of this act, this chapter does not apply to a dental hygienist of the United States Army, Navy, Air Force, Public Health Service, Coast Guard or Department of Veterans Affairs in the discharge of his or her official duty.] (Deleted by amendment.)~~

Sec. 54. ~~[A person is guilty of the illegal practice of dental hygiene who:~~

- ~~1. Sells or barter, or offers to sell or barter any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dental hygienists;~~
- ~~2. Purchases or procures by barter any such certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dental hygiene, or in fraud of the laws regulating that practice;~~
- ~~3. With fraudulent intent, alters in a material regard any such certificate or transcript;~~
- ~~4. Uses or attempts to use any certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dental hygiene, or in order to procure registration as a dental hygienist;~~
- ~~5. Appends the letters "R.D.H." to his or her name, not having conferred upon him or her, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title;~~
- ~~6. Assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental hygiene degree or license;~~
- ~~7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;~~
- ~~8. Except as otherwise provided in NRS 629.091, practices dental hygiene in this State without a license; or~~
- ~~9. Aids or abets another in violating any of the provisions of this chapter.] (Deleted by amendment.)~~

Sec. 55. ~~[1. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:~~

- ~~(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.~~
- ~~(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~2. The Board may assign a person described in subsection 1 specific duties as a condition of renewing his or her license.~~

~~3. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense under this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.~~ (Deleted by amendment.)

Sec. 56. ~~[NRS 629.095 is hereby amended to read as follows:~~

~~629.095 1. Except as otherwise provided in subsection 2, the Commissioner of Insurance shall develop, prescribe for use and make available a single, standardized form for use by insurers, carriers, societies, corporations, health maintenance organizations, managed care organizations, hospitals, medical facilities and other facilities that provide health care in obtaining any information related to the credentials of a provider of health care.~~

~~2. The provisions of subsection 1 do not prohibit the Commissioner of Insurance from developing, prescribing for use and making available:~~

~~(a) Appropriate variations of the form described in that subsection for use in different geographical regions of this State;~~

~~(b) Addenda or supplements to the form described in that subsection to address, until such time as a new form may be developed, prescribed for use and made available, any requirements newly imposed by the Federal Government, the State or one of its agencies, or a body that accredits hospitals, medical facilities or health care plans;~~

~~3. With respect to the form described in subsection 1, the Commissioner of Insurance shall:~~

~~(a) Hold public hearings to seek input regarding the development of the form;~~

~~(b) Develop the form in consideration of the input received pursuant to paragraph (a);~~

~~(c) Ensure that the form is developed in such a manner as to accommodate and reflect the different types of credentials applicable to different classes of providers of health care;~~

~~(d) Ensure that the form is developed in such a manner as to reflect standards of accreditation adopted by national organizations which accredit hospitals, medical facilities and health care plans; and~~

~~(e) Ensure that the form is developed to be used efficiently and is developed to be neither unduly long nor unduly voluminous;~~

~~4. As used in this section:~~

~~(a) "Carrier" has the meaning ascribed to it in NRS 680C.025.~~

~~(b) "Corporation" means a corporation operating pursuant to the provisions of chapter 695B of NRS.~~

~~(c) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.~~

~~(d) "Insurer" means:~~

~~(1) An insurer that issues policies of individual health insurance in accordance with chapter 689A of NRS; and~~

~~(2) An insurer that issues policies of group health insurance in accordance with chapter 689B of NRS.~~

~~(e) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.~~

~~(f) "Provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS [.] or sections 2 to 55, inclusive, of this act.~~

~~(g) "Society" has the meaning ascribed to it in NRS 695A.044.] (Deleted by amendment.)~~

Sec. 57. ~~[NRS 629.097 is hereby amended to read as follows:~~

~~629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.~~

~~2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.~~

~~3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.~~

~~4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS [.] or sections 2 to 55, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 58. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 59 to 68, inclusive, of this act.

Sec. 59. *"Dental therapist" means any person who practices the profession of dental therapy and is licensed pursuant to this chapter.*

Sec. 60. *"Dental therapy" means the performance of educational, preventative, therapeutic, palliative and restorative or surgical treatment of intraoral or extraoral procedures.*

Sec. 60.2. 1. Any person is eligible to apply for a license to practice dental therapy in this State who:

(a) Is of good moral character;

(b) Is over 18 years of age;

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and

(d) Is a graduate of a program of dental therapy from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental therapy must:

(1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and

(2) Include a curriculum of not less than 2 years of academic instruction in dental therapy or its academic equivalent.

(e) Is in possession of a current special endorsement of his or her license pursuant to NRS 631.287 to practice public health dental hygiene.

2. An applicant must provide documentation that they have engaged in the clinical practice of dental hygiene under the direct supervision of a dentist for:

(a) Not less than 1,500 hours if he or she has less than 5 years of experience as a dental hygienist; or

(b) Not less than 1,000 hours if he or she has 5 years or more of experience as a dental hygienist.

3. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dental therapy or dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.

Sec. 60.4. 1. Any person desiring to obtain a license to practice dental therapy, after having complied with section 60.2 of this act and the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental therapy or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the applicable national examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dental therapist must be registered as licensed dental therapists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 61. 1. The holder of a license or renewal certificate to practice dental therapy may practice under the authorization of a dentist licensed in this State in accordance with a written practice agreement signed by the dental therapist and the authorizing dentist. A dental therapist may provide only the services that are within his or her scope of practice, are authorized by the dentist, and are provided according to written protocols or standing orders established by the authorizing dentist.

2. A dental therapist may provide services to a patient who has not first seen a dentist for an examination if the authorizing dentist has given the

dental therapist written authorization and standing protocols for the services and reviews the patient records as provided by the written practice agreement. The standing protocols may require the authorizing dentist to personally examine patients either face-to-face or by the use of electronic means.

~~[3. A dental therapist may make use of teledentistry as a means for a patient to receive services when the patient is in one physical location and the dentist or other oral health or general health care practitioner overseeing the delivery of those services is in another location.~~

~~4. As used in this section, "teledentistry" means the use of information and audio visual communication technology, not including standard telephone, facsimile or electronic mail, to convey health information and facilitate the delivery of dental services to a patient at a different location.]~~

Sec. 62. The written practice agreement required pursuant to section 61 of this act between the authorizing dentist and a dental therapist must include:

1. The services and procedures and the practice settings for those services and procedures that the dental therapist may provide, together with any limitations on those services and procedures.

2. Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency.

3. Procedures to be used with patients treated by the dental therapist for informed consent and creating and maintaining dental records.

4. A plan for the review of patient records by the authorizing dentist and dental therapist.

5. A plan for managing medical emergencies in each practice setting in which the dental therapist provides care.

6. A quality assurance plan for monitoring care, including patient care review, referral follow-up, and a quality assurance and chart review.

7. Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed.

8. Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation before initiating care.

9. Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the dental therapist's capabilities or the scope of practice as a dental therapist.

10. A requirement that when an appointment is made for a patient, it must be disclosed to the patient whether the patient is scheduled to see the dentist or a dental therapist.

Sec. 62.5. An authorizing dentist may not simultaneously maintain written practice agreements required pursuant to section 61 of this act with more than four full-time or full-time equivalent dental therapists.

Sec. 63. In accordance with the written practice agreement required pursuant to section 61 of this act:

1. *The authorizing dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental therapist that exceed the dental therapist's capabilities or the authorized scope of practice of the dental therapist and that the authorizing dentist is unable to provide; and*

2. *A dental therapist shall refer patients to another qualified dental or health care professional to receive needed services that exceed the scope of practice of the dental therapist.*

Sec. 64. 1. *In accordance with the written practice agreement required pursuant to section 61 of this act, a dental therapist may perform the following acts:*

(a) *Expose radiographs.*

(b) *Conduct an assessment of the oral health of the patient through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of the patient.*

(c) *After conducting an assessment pursuant to paragraph (b), develop a dental hygiene care plan to address the oral health needs and problems of the patient.*

(d) *Take the following types of impressions:*

(1) *Those used for the preparation of diagnostic models;*

(2) *Those used for the fabrication of temporary crowns or bridges; and*

(3) *Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.*

(e) *Remove stains, deposits and accretions, including dental calculus.*

(f) *Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.*

(g) *Provide dental hygiene care that includes:*

(1) *Implementation of a dental hygiene care plan to address the oral health needs and problems of patients pursuant to paragraph (c).*

(2) *Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (1) in order to identify the subsequent treatment, continued care and referral needs of the patient.*

(h) *Perform subgingival curettage.*

(i) *Remove sutures.*

(j) *Place and remove a periodontal pack.*

(k) *Remove excess cement from cemented restorations and orthodontic appliances. A dental therapist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.*

(l) *Train and instruct persons in the techniques of oral hygiene and preventive procedures.*

(m) *Recement and repair temporary crowns and bridges.*

(n) *Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.*

(o) *Place a temporary restoration with nonpermanent material as a palliative treatment.*

(p) *Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:*

(1) *Antimicrobial agents;*

(2) *Fluoride preparations;*

(3) *Topical antibiotics;*

(4) *Topical anesthetics; and*

(5) *Topical desensitizing agents.*

(q) *Apply pit and fissure sealant to the dentition for the prevention of decay.*

2. *Before performing any of the services set forth in subsection 1, the dental therapist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed and the patient must have been examined by that dentist not more than 18 months before the services are to be performed. After performing any of the services set forth in this subsection, the dental therapist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental therapist is not authorized to perform.*

Sec. 65. *In accordance with the written practice agreement, a dental therapist may provide any of the following additional care or services:*

1. *Identifying oral and systemic conditions that require evaluation or treatment by dentists, physicians, or other health care professionals and managing referrals to such persons.*

2. *Providing oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.*

3. *Dispensing and administering via the oral or topical route nonnarcotic analgesics and anti-inflammatory and antibiotic medications as prescribed by a health care professional.*

4. *Pulp and vitality testing.*

5. *Applying desensitizing medication or resin.*

6. *Fabricating mouth guards*

7. *Changing periodontal dressings.*

8. *Simple extraction of erupted primary teeth.*

9. *Emergency palliative treatment of dental pain related to a care or service described in this section.*

10. *Preparation and placement of direct restoration in primary and permanent teeth.*

11. *Fabrication and placement of single tooth temporary crowns.*

12. *Preparation and placement of preformed crowns on primary teeth.*

13. *Indirect and direct pulp capping on permanent teeth.*

14. Suturing and suture removal.
15. Minor adjustments and repairs on removable prostheses.
16. Placement and removal of space maintainers.
17. Nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility. However, a dental therapist shall not extract a tooth for any patient if the tooth is unerupted, impacted, or fractured or needs to be sectioned for removal.
18. Performing other related services and functions authorized and for which the dental therapist is trained.

Sec. 66. ~~1. A dental therapist may perform any other duties not described in sections 64 and 65 of this act that are authorized by the Board by regulation in any of the following settings:~~

~~(a) A hospital.~~

~~(b) A health facility or agency, other than a hospital, that is reimbursed as a federally qualified health center as defined in 42 U.S.C. § 1395(aa)(4) or that has been determined by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to meet the requirements for funding under section 330 of the Public Health Services Act, 42 U.S.C. § 254b.~~

~~(c) A federally qualified health center, as defined in 42 U.S.C. § 1395(aa)(4), that is licensed as a health facility or agency by the Nevada Department of Health and Human Services.~~

~~(d) An outpatient health program or facility operated by a tribe or tribal organization under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5321 to 5332, inclusive, as amended by Public Law 103-413, or by an urban Indian organization receiving funds under Title V of the Indian Health Care Improvement Act, 25 U.S.C. §§ 1651 to 1660h, inclusive.~~

~~(e) A health setting in a geographic area that is designated as a dental shortage area by the United States Department of Health and Human Services.~~

~~(f) A school-based health center as defined in NRS 41.495.~~

~~(g) Any other clinic or practice setting, including a mobile dental unit, in which at least 50 percent of the total patient base of the dental therapist will consist of patients who meet any of the following:~~

~~(1) Are enrolled in a health care program administered by the Nevada Department of Health and Human Services.~~

~~(2) Have a medical disability or chronic condition that creates a significant barrier to receiving dental care.~~

~~(3) Do not have dental health coverage through a public health care program or private insurance and have an annual gross family income equal to less than 200 percent of the federal poverty level. As used in this paragraph, "federal poverty level" means the poverty guidelines published annually in the Federal Register by the United States Department of Health and Human Services.~~

~~2. An entity enumerated in subsection 1 shall not require a dental therapist to enter into a written practice agreement required pursuant to section 61 of~~

~~this act with a dentist as a condition of the dental therapist's employment.]~~
(Deleted by amendment.)

Sec. 67. 1. A dental therapist shall not prescribe a controlled substance that is included in schedules II, III, IV or V of the Uniform Controlled Substances Act.

2. A dental therapist may supervise dental assistants and dental hygienists to the extent permitted in a written practice agreement.

Sec. 68. A dental therapist licensed to practice in this State must annually complete at least 18 hours of instruction in approved courses of continuing education or biennially complete at least ~~36~~ 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental therapist. Hours of instruction may not be transferred over from one licensing period to another.

Sec. 69. ~~NRS 631.040 is hereby amended to read as follows:~~
~~631.040 "Dental hygienist" means any person who practices the profession of dental hygiene and is licensed pursuant to [this chapter.] the provisions of sections 2 to 55, inclusive, of this act.]~~ (Deleted by amendment.)

Sec. 70. NRS 631.130 is hereby amended to read as follows:

631.130 1. The Governor shall appoint:

(a) Six members who are graduates of accredited dental schools or colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of at least 5 years.

(b) One member who has resided in Nevada for at least 5 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.

(c) Three members who:

(1) Are graduates of accredited schools or colleges of dental therapy or dental hygiene;

(2) Are residents of Nevada; and

(3) Have been actively engaged in the practice of dental therapy or dental hygiene in Nevada for a period of at least 5 years before their appointment to the Board.

(d) One member who is a representative of the general public. This member must not be:

(1) A dentist, dental therapist or ~~or~~ dental hygienist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dentist, dental therapist or ~~or~~ dental hygienist.

2. The members who are dental therapists or dental hygienists may vote on all matters but may not participate in grading any clinical examinations required by NRS 631.240 for the licensing of dentists.

3. If a member is not licensed under the provisions of this chapter, the member shall not participate in grading any examination required by the Board.

Sec. 71. NRS 631.140 is hereby amended to read as follows:

631.140 1. The six members of the Board who are dentists, the member of the Board 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, and the member of the Board who is a representative of the general public must be appointed from areas of the State as follows:

(a) ~~111~~ Three of those members must be from Carson City, Douglas County or Washoe County.

(b) ~~221~~ Four of those members must be from Clark County.

(c) ~~331~~ One of those members may be from any county of the State.

2. The three members of the Board who are dental therapists or dental hygienists must be appointed from areas of the State as follows:

(a) One of those members must be from Carson City, Douglas County or Washoe County.

(b) One of those members must be from Clark County.

(c) One of those members may be from any county of the State.

Sec. 72. NRS 631.170 is hereby amended to read as follows:

631.170 1. The Board shall meet whenever necessary to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside this State, and for this purpose may use the facilities of dental colleges.

2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.

3. A quorum consists of five members who are dentists ~~and~~ and two members who are dental therapists or dental hygienists.

Sec. 73. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry, dental therapy or ~~and~~ dental hygiene. ~~therapy.~~

4. Examine applicants for licenses to practice dentistry, dental therapy and dental hygiene. ~~therapy.~~

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists, dental therapists and dental hygienists ~~therapists~~ licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 73.5. NRS 631.205 is hereby amended to read as follows:

631.205 1. The Committee on Dental Hygiene and Dental Therapy is hereby created.

2. The Committee consists of:

(a) The members of the Board who are dental therapists or dental hygienists; and

(b) One dentist who is a member of the Board and who has supervised a dental therapist or dental hygienist for at least 3 years immediately preceding his or her appointment to the Committee by the Board.

3. The Committee:

(a) May accept recommendations from dental therapists, dental hygienists, dentists and the general public and may meet to review such recommendations.

(b) May make recommendations to the Board concerning:

(1) The practice of dental therapy and dental hygiene; and

(2) The licensing of dental therapists and dental hygienists, including, without limitation, requirements relating to the education, examination and discipline of dental therapists and dental hygienists.

(c) Shall carry out any duties the Board may assign to the Committee.

Sec. 74. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, *dental therapist*, dental hygienist or qualified technician from making radiograms or X-ray exposures ~~for using X-ray radiation or laser radiation~~ for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) *Prevents a dental therapist or dental hygienist from administering local anesthesia for nitrous oxide analgesia for pain management during treatment or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, upon authorization of a licensed dentist.*

(c) Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

~~{(e)}~~ (d) Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene *or an accredited school of dental therapy* or an accredited school of dental assisting.

~~{(d)}~~ (e) Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

~~{(e)}~~ (f) Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

~~{(f)}~~ (g) Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically

underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(1)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

~~(g)~~ (h) Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

~~(h)~~ (i) Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

↪ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 75. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240 or 631.300, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 76. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry, ~~for~~ dental hygiene or dental therapy shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry, ~~for~~ dental hygiene or dental therapy shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice dentistry, ~~for~~ dental hygiene or dental therapy may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other

public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 77. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene, dental therapy or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 78. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240, or 631.300, issue a limited license to practice dentistry, ~~for~~ dental hygiene or dental therapy to a person who:

(a) Is qualified for a license to practice dentistry, ~~for~~ dental hygiene or dental therapy in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry, ~~for~~ dental hygiene or dental therapy at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry, ~~for~~ dental hygiene or dental therapy of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry, ~~for~~ dental hygiene or dental therapy at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry, ~~for~~ dental hygiene or dental therapy issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within

the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry, ~~for~~ dental hygiene or dental therapy if:

(1) The person is involved in a disciplinary action concerning the license;

or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry, *dental therapy* or dental hygiene,

↪ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry, ~~for~~ dental hygiene or dental therapy in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry, ~~for~~ dental hygiene or dental therapy in this State or accept compensation for the practice of dentistry, ~~for~~ dental hygiene or dental therapy except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry, ~~for~~ dental hygiene or dental therapy for services provided as a dental intern, dental resident or instructor of dentistry, ~~for~~ dental hygiene or dental therapy pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry, ~~for~~ dental hygiene or dental therapy in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry, ~~for~~ dental hygiene or dental

therapy with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 79. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by ~~NRS 631.300,~~ section 60.4 of this act, issue a temporary license to practice dental ~~hygiene~~ *therapy* to a person who:

(a) Has a license to practice dental ~~hygiene~~ *therapy* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of ~~NRS 631.290,~~ section 60.2 of this act;

(c) Has practiced dental ~~hygiene~~ *therapy* pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that the person applies for a temporary license;

(d) Has not had a license to practice dental hygiene *or dental therapy* revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene *or dental therapy* in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning a license to practice dental hygiene *or dental therapy* in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to ~~NRS 631.300,~~ section 60.4 of this act and

(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental ~~hygiene~~ therapy for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental ~~hygiene~~ therapy without a clinical examination required by ~~NRS 631.300,~~ section 60.4 of this act if the person has held a temporary license to practice dental ~~hygiene~~ therapy issued pursuant to this section for at least 2 years.

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, ~~2006,~~ 2021, issue any additional temporary licenses to practice dental ~~hygiene~~ therapy pursuant to this section.

5. Any person who, on July 1, ~~2006,~~ 2021, holds a temporary license to practice dental ~~hygiene~~ therapy issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental ~~hygiene~~ therapy under the temporary license until ~~December 31, 2008,~~ July 1, 2023, or until the person is qualified to apply for and is issued or denied a permanent license to practice dental ~~hygiene~~ therapy in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 80. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, or section 60.4 of this act, issue a restricted geographical license to practice dentistry, ~~for~~ dental hygiene or dental therapy to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 or section 60.4 of this act for any applicant intending to practice dentistry, ~~for~~ dental hygiene or dental therapy in a rural area of a county in which dental, ~~for~~ dental hygiene or dental therapy needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 or section 60.4 of this act for any applicant intending to practice dentistry, ~~for~~ dental hygiene or dental therapy in one or more rural areas within those counties in which dental, ~~for~~ dental hygiene or dental

therapy needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240 or 631.300 or section 60.4 of this act for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry, ~~for~~ dental hygiene or dental therapy issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry, ~~for~~ dental hygiene or dental therapy in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 or 631.300 ~~or~~ section 60.4 of this act;

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230, or 631.290, or section 60.2 of this act, as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry, ~~for~~ dental hygiene or dental therapy has been revoked or suspended;

(b) Who has been refused a license to practice dentistry, *dental therapy* or dental hygiene; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry, ~~for~~ dental hygiene or dental therapy,
 ↪ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry, ~~for~~ dental hygiene or dental therapy only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry, ~~for~~ dental hygiene or dental therapy in this State or accept compensation for the practice of dentistry, ~~for~~ dental hygiene or dental therapy except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license

shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240 or 631.300 or section 60.4 of this act if the person:

(a) Has not had a license to practice dentistry, ~~for~~ dental hygiene or dental therapy revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry, *dental therapy* or dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry, ~~for~~ dental hygiene or dental therapy in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry, ~~for~~ dental hygiene or dental therapy for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 81. ~~[NRS 631.290 is hereby amended to read as follows:
631.290 1. Any person is eligible to apply for a license to practice dental [hygiene] therapy in this State who:
(a) Is of good moral character;
(b) Is over 18 years of age;
(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and
(d) Is a dental hygienist licensed pursuant to sections 2 to 55, inclusive, of this act who is:~~

~~(1) In possession of a current special endorsement of his or her license issued under section 27 of this act to practice public health dental hygiene;~~

~~(2) A graduate of a program of dental [hygiene] therapy education from an approved post-secondary education institution, [which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education.] The program of dental [hygiene] must:~~

~~(1) Be] therapy education must be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization. [; and~~

~~(2) Include a curriculum of not less than 2 years of academic instruction in dental hygiene or its academic equivalent.]~~

~~2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dental hygiene or dental therapy in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.] (Deleted by amendment.)~~

Sec. 82. ~~[NRS 631.300 is hereby amended to read as follows:~~

~~631.300 1. Any person desiring to obtain a license to practice dental [hygiene,] therapy, after having complied with NRS 631.290 and the regulations of the Board to determine eligibility:~~

~~(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board [upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75;] on the contents and interpretation of this chapter and the regulations of the Board; and~~

~~(b) Except as otherwise provided in this chapter, must [:~~

~~(1) Successfully] successfully pass a comprehensive, competency-based clinical examination approved by the Board . [and the American Board of Dental Examiners; or~~

~~(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed a clinical examination administered by the Western Regional Examining Board.~~

~~2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.~~

~~3.] 2. All persons who have satisfied the requirements for licensure as a dental [hygienist] therapist must be registered as licensed dental [hygienists] therapists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.]~~

~~(Deleted by amendment.)~~

Sec. 83. NRS 631.313 is hereby amended to read as follows:

631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, *dental therapist*, dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a *dental therapist or* dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a *dental therapist or* dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287. ~~[section 27 of this act.]~~

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

~~[4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:~~

~~—(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and~~

~~—(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.]~~

Sec. 84. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a *dental therapist,* dental hygienist or dental assistant in his or her employ or that may be performed by a dental hygienist *or dental therapist* engaged in school health activities or employed by a public health agency.

2. Governing the practice of dentists, ~~and~~ dental hygienists and dental therapists in full-time employment with the State of Nevada.

Sec. 85. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275:

(a) Each holder of a license to practice dentistry, ~~or~~ dental hygiene or dental therapy must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

↪ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by

June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 86. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the Board a license certificate to practice dental hygiene, dental therapy or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 87. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry, ~~and~~ dental hygiene ~~and~~ dental therapy. The regulations must include:

(a) ~~The~~ *Except as provided in section 68 of this act*, the number of hours of credit required annually;

(b) The criteria used to accredit each course; and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

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

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

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

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. As used in this section:

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

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

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

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

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 88. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry.....	\$1,500
Application fee for an initial license to practice dental <u>hygiene</u>	750
<u>Application fee for an initial license to practice dental</u> <u>therapy</u>	1,000
Application fee for a specialist's license to practice dentistry.....	300
Application fee for a limited license or restricted license to practice dentistry, for dental <u>hygiene or dental therapy</u>	300
Fee for administering a clinical examination in dentistry	2,500
Fee for administering a clinical examination in dental <u>hygiene</u> <u>or dental therapy</u>	\$1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation.....	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation	350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines	500

Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry..... 1,000

Annual license renewal fee for a limited license or restricted license to practice dentistry..... 300

Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene or dental therapy 600

Annual license renewal fee for a limited license to practice dental hygiene or dental therapy 300

Biennial license renewal fee for an inactive dentist..... 400

Biennial license renewal fee for a dentist who is retired or has a disability 100

Biennial license renewal fee for an inactive dental hygienist or dental therapist..... 200

Biennial license renewal fee for a dental hygienist or dental therapist who is retired or has a disability 100

Reinstatement fee for a suspended license to practice dentistry, ~~for~~ dental hygiene or dental therapy..... 500

Reinstatement fee for a revoked license to practice dentistry, ~~for~~ dental hygiene or dental therapy..... 500

Reinstatement fee to return a dentist, ~~for~~ dental hygienist or dental therapist who is inactive, retired or has a disability to active status..... 500

Fee for the certification of a license..... 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 89. NRS 631.3453 is hereby amended to read as follows:

631.3453 The provisions of NRS 631.3452 requiring the designation of an actively licensed dentist as a dental director do not apply to a program for the provision of public health dental hygiene *or dental therapy* if:

1. The program is owned or operated by a *dental therapist licensed pursuant to this chapter* or a dental hygienist who holds a special endorsement of his or her license to practice public health dental hygiene pursuant to NRS 631.287 ~~[section 27 of this act]~~; and

2. Each ~~[dental hygienist]~~ *person* employed to provide public health dental hygiene pursuant to the program *is either a dental therapist licensed pursuant to this chapter or a dental hygienist who* holds a special endorsement of his or her license to practice public health dental hygiene pursuant to NRS 631.287.

Sec. 90. NRS 631.346 is hereby amended to read as follows:

631.346 The following acts, among others, constitute unprofessional conduct:

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist or dental hygienist to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;
2. Except as otherwise provided in NRS ~~631.287~~ *or 631.3453*, ~~for section 27 of this act,~~ giving a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;
3. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;
4. For a dental hygienist or dental therapist, practicing in any place not authorized pursuant to this chapter; or
5. Practicing while a license is suspended or without a renewal certificate.

Sec. 91. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;
2. Professional incompetence;
3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;
4. More than one act by the dentist, ~~for~~ dental hygienist or dental therapist constituting substandard care in the practice of dentistry, ~~for~~ dental hygiene or dental therapy;
5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;
6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;
 - (b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or
 - (c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;
7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344; or

14. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 92. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry, ~~for~~ dental hygiene or dental therapy, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry, ~~for~~ dental hygiene or dental therapy that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 93. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

- (a) Refuse to issue a license to any person;
- (b) Revoke or suspend the license or renewal certificate issued by it to any person;
- (c) Fine a person it has licensed;
- (d) Place a person on probation for a specified period on any conditions the Board may order;
- (e) Issue a public reprimand to a person;
- (f) Limit a person's practice to certain branches of dentistry;
- (g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;
- (h) Require that a person's practice be supervised;
- (i) Require a person to perform community service without compensation;
- (j) Require a person to take a physical or mental examination or an examination of his or her competence;
- (k) Require a person to fulfill certain training or educational requirements;
- (l) Require a person to reimburse a patient; or
- (m) Any combination thereof.

↪ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

- (a) Engaging in the illegal practice of dentistry, ~~for~~ dental hygiene or dental therapy;
- (b) Engaging in unprofessional conduct; or
- (c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

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

Sec. 94. NRS 631.380 is hereby amended to read as follows:

631.380 All licenses and renewal certificates *to practice dentistry or a specialty thereof* heretofore issued by the Board and in force on March 20, 1951, shall remain in force subject to the provisions of this chapter, and shall entitle the holders to practice their profession as therein designated.

Sec. 95. NRS 631.395 is hereby amended to read as follows:

631.395 A person is guilty of the illegal practice of dentistry, ~~or~~ dental hygiene or dental therapy who:

1. Sells or barter, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists, ~~or~~ dental hygienists or dental therapists;

2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dentistry, or in fraud of the laws regulating that practice;

3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;

4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist, ~~or~~ a dental hygienist or dental therapist;

5. Practices dentistry under a false or assumed name;

6. Assumes the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or appends the letters "D.D.S." or "D.M.D." or "R.D.H." to his or her name, not having conferred upon him or her, by diploma from an accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title, or assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental degree or license;

7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;

8. Within 10 days after a demand is made by the Secretary-Treasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his or her employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;

9. Except as otherwise provided in NRS 629.091, practices dentistry, ~~or~~ dental hygiene or dental therapy in this State without a license;

10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or

11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 96. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in

NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who practices or offers to practice dental hygiene or dental therapy in this State without a license, or who, having a license, practices dental hygiene or dental therapy in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than \$5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 97. ~~NRS 640A.070 is hereby amended to read as follows:~~

~~640A.070 This chapter does not apply to a person:~~

~~1. Holding a current license or certificate issued pursuant to chapter 301, 630 to 637B, inclusive, 640 or 640B to 641B, inclusive, of NRS, or sections 2 to 55, inclusive, of this act who practices within the scope of that license or certificate.~~

~~2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.~~

~~3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.~~

~~4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.] (Deleted by amendment.)~~

Sec. 98. ~~[NRS 640B.145 is hereby amended to read as follows:~~

~~640B.145 The provisions of this chapter do not apply to:~~

~~1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640 or 640A of NRS, or sections 2 to 55, inclusive, of this act when acting within the scope of that license.~~

~~2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.~~

~~3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.] (Deleted by amendment.)~~

Sec. 99. ~~[NRS 640C.100 is hereby amended to read as follows:~~

~~640C.100 1. The provisions of this chapter do not apply to:~~

~~(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS or sections 2 to 55, inclusive, of this act if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.~~

~~(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.~~

~~(c) A person licensed or registered as an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.~~

~~(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.~~

~~—(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.~~

~~—(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.~~

~~—(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.~~

~~—(h) A person who performs any activity in a licensed brothel.~~

~~—2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.~~

~~—3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.~~

~~—4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity. (Deleted by amendment.)~~

Sec. 100. ~~[NRS 200.5095 is hereby amended to read as follows:~~

~~—200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.~~

~~—2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:~~

~~—(a) Pursuant to a criminal prosecution;~~

~~—(b) Pursuant to NRS 200.50982; or~~

~~—(c) To persons or agencies enumerated in subsection 3;~~

~~—(d) The person is guilty of a misdemeanor.~~

~~—3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:~~

~~—(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;~~

~~—(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;~~

~~—(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;~~

~~—(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;~~

~~—(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;~~

~~—(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;~~

~~—(g) Any comparable authorized person or agency in another jurisdiction;~~

~~—(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;~~

~~—(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or~~

~~—(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incompetent.~~

~~4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, or sections 2 to 55, inclusive, of this act, the information contained in the report must be submitted to the board that issued the license.~~

~~5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.} (Deleted by amendment.)~~

Sec. 101. [NRS 218G.400 is hereby amended to read as follows:

~~218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS and sections 2 to 55, inclusive, of this act shall:~~

~~—(a) If the revenue of the board from all sources is less than \$200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.~~

~~—(b) If the revenue of the board from all sources is \$200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.~~

~~—2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.~~

~~—3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.~~

~~—4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.~~

~~—5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:~~

~~—(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and~~

~~—(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal~~

~~records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.~~

~~6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.] (Deleted by amendment.)~~

Sec. 102. ~~[NRS 284.013 is hereby amended to read as follows:~~

~~284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:~~

~~(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;~~

~~(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS [;] and sections 2 to 55, inclusive, of this act; or~~

~~(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.~~

~~2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.~~

~~3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.~~

~~4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.] (Deleted by amendment.)~~

Sec. 103. ~~[NRS 353.005 is hereby amended to read as follows:~~

~~353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS and sections 2 to 55, inclusive, of this act and the officers and employees of those boards.] (Deleted by amendment.)~~

Sec. 104. ~~[NRS 353A.020 is hereby amended to read as follows:~~

~~353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:~~

~~(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;~~

~~(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;~~

~~(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;~~

~~(d) A system of practices to be followed in the performance of the duties and functions of each agency; and~~

~~(e) An effective system of internal review.~~

~~2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.~~

~~3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.~~

~~4. For the purposes of this section, "agency" does not include:~~

~~(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS [.] and sections 2 to 55, inclusive, of this act~~

~~(b) The Nevada System of Higher Education.~~

~~(c) The Public Employees' Retirement System.~~

~~(d) The Housing Division of the Department of Business and Industry.~~

~~(e) The Colorado River Commission of Nevada.] (Deleted by amendment.)~~

Sec. 105. [NRS 353A.025 is hereby amended to read as follows:

~~353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.~~

~~2. On or before July 1 of each even numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.~~

~~3. For the purposes of this section, "agency" does not include:~~

~~(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS [.] and sections 2 to 55, inclusive, of this act.~~

~~(b) The Nevada System of Higher Education.~~

~~(c) The Public Employees' Retirement System.~~

~~(d) The Housing Division of the Department of Business and Industry.~~

~~(e) The Colorado River Commission of Nevada.~~

~~4. The Director shall, on or before the first Monday in February of each odd numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:~~

~~(a) Director of the Legislative Counsel Bureau for transmittal to the:~~

~~(1) Senate Standing Committee on Finance; and~~

~~(2) Assembly Standing Committee on Ways and Means;~~

~~(b) Governor; and~~

~~(c) Legislative Auditor.~~

~~5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:~~

~~(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;~~

~~(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and~~

~~(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.] (Deleted by amendment.)~~

Sec. 106. ~~[NRS 353A.045 is hereby amended to read as follows:~~

~~353A.045 The Administrator shall:~~

~~1. Report to the Director.~~

~~2. Develop long term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:~~

~~(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 654 and 656 of NRS [.] and sections 2 to 55, inclusive, of this act.~~

~~(b) The Nevada System of Higher Education.~~

~~(c) The Public Employees' Retirement System.~~

~~(d) The Housing Division of the Department of Business and Industry.~~

~~(e) The Colorado River Commission of Nevada.~~

~~3. Provide a copy of the approved annual work plan to the Legislative Auditor.~~

~~4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:~~

~~(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and~~

~~(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.~~

~~5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.~~

~~6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.~~

~~7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:~~

~~(a) The adequacy of the internal accounting and administrative controls of the agency; and~~

~~(b) The efficiency and effectiveness of the management of the agency.~~

~~8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.~~

~~9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.~~

~~10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5. (Deleted by amendment.)~~

Sec. 107. ~~[NRS 439.279 is hereby amended to read as follows:~~

~~439.279 1. The Division shall appoint, with the consent of the Director, a State Public Health Dental Hygienist, who may serve in the unclassified service of the State or as a contractor for the Division. The State Public Health Dental Hygienist must:~~

~~(a) Be a resident of this State;~~

~~(b) Hold a current license to practice dental hygiene issued pursuant to [chapter 631 of NRS] sections 2 to 55, inclusive, of this act with a special endorsement issued pursuant to [NRS 631.287;] section 27 of this act; and~~

~~(c) Be appointed on the basis of his or her education, training and experience and his or her interest in public health dental hygiene and related programs.~~

~~2. The State Public Health Dental Hygienist:~~

~~(a) Shall work collaboratively with the State Dental Health Officer in carrying out his or her duties; and~~

~~(b) May:~~

~~(1) Provide advice and make recommendations to the Advisory Committee and the Division regarding programs in this State for public health dental hygiene; and~~

~~(2) Perform any acts authorized pursuant to [NRS 631.287.] section 27 of this act.~~

~~3. The State Public Health Dental Hygienist shall devote all of his or her time to the business of his or her office and shall not pursue any other business or vocation or hold any other office of profit.~~

~~4. The Division may solicit and accept gifts and grants to pay the costs associated with the position of State Public Health Dental Hygienist. (Deleted by amendment.)~~

Sec. 108. ~~[NRS 439B.225 is hereby amended to read as follows:~~

~~439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 433.601 to 433.621, inclusive, 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS [.] or sections 2 to 55, inclusive, of this act.~~

~~2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:~~

~~(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;~~

~~(b) The effect of the regulation on the cost of health care in this State;~~

~~(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and~~

~~(d) Any other related factor the Committee deems appropriate.~~

~~3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.~~

~~4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.] (Deleted by amendment.)~~

Sec. 109. ~~[NRS 454.361 is hereby amended to read as follows:~~

~~454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638 or 639 of NRS [.] or sections 2 to 55, inclusive of this act.] (Deleted by amendment.)~~

Sec. 110. ~~[NRS 608.0116 is hereby amended to read as follows:~~

~~608.0116 "Professional" means pertaining to:~~

~~1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS [.] and sections 2 to 55, inclusive, of this act.~~

~~2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.] (Deleted by amendment.)~~

Sec. 111. ~~[NRS 679B.440 is hereby amended to read as follows:~~

~~679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:~~

~~(a) Liability insurance provided to:~~

~~(1) Governmental agencies and political subdivisions of this State, reported separately for:~~

~~(I) Cities and towns;~~

- ~~— (II) School districts; and~~
- ~~— (III) Other political subdivisions;~~
- ~~— (2) Public officers;~~
- ~~— (3) Establishments where alcoholic beverages are sold;~~
- ~~— (4) Facilities for the care of children;~~
- ~~— (5) Labor, fraternal or religious organizations; and~~
- ~~— (6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;~~
- ~~— (b) Liability insurance for:~~
 - ~~— (1) Defective products;~~
 - ~~— (2) Medical or dental malpractice of:~~
 - ~~— (I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS [;] or sections 2 to 55, inclusive, of this act;~~
 - ~~— (II) A hospital or other health care facility; or~~
 - ~~— (III) Any related corporate entity.~~
 - ~~— (3) Malpractice of attorneys;~~
 - ~~— (4) Malpractice of architects and engineers; and~~
 - ~~— (5) Errors and omissions by other professionally qualified persons;~~
- ~~— (c) Vehicle insurance, reported separately for:~~
 - ~~— (1) Private vehicles;~~
 - ~~— (2) Commercial vehicles;~~
 - ~~— (3) Liability insurance; and~~
 - ~~— (4) Insurance for property damage;~~
- ~~— (d) Workers' compensation insurance; and~~
- ~~— (e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.~~
- ~~2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:~~
 - ~~— (a) Premiums directly written;~~
 - ~~— (b) Premiums directly earned;~~
 - ~~— (c) Number of policies issued;~~
 - ~~— (d) Net investment income, using appropriate estimates when necessary;~~
 - ~~— (e) Losses paid;~~
 - ~~— (f) Losses incurred;~~
 - ~~— (g) Loss reserves, including:~~
 - ~~— (1) Losses unpaid on reported claims; and~~
 - ~~— (2) Losses unpaid on incurred but not reported claims;~~
 - ~~— (h) Number of claims, including:~~
 - ~~— (1) Claims paid; and~~

~~(2) Claims that have arisen but are unpaid;~~
~~(i) Expenses for adjustment of losses, including allocated and unallocated losses;~~
~~(j) Net underwriting gain or loss;~~
~~(k) Net operation gain or loss, including net investment income; and~~
~~(l) Any other information requested by the Commissioner.~~

~~3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:~~
~~(a) Recoverable federal income tax;~~
~~(b) Net unrealized capital gain or loss; and~~
~~(c) All other expenses not included in subsection 2.] (Deleted by amendment.)~~

Sec. 112. ~~[NRS 686B.030 is hereby amended to read as follows:~~
~~686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:~~
~~(a) Ocean marine insurance;~~
~~(b) Contracts issued by fraternal benefit societies;~~
~~(c) Life insurance and credit life insurance;~~
~~(d) Variable and fixed annuities;~~
~~(e) Credit accident and health insurance;~~
~~(f) Property insurance for business and commercial risks;~~
~~(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS [;] and sections 2 to 55, inclusive, of this act;~~
~~(h) Surety insurance;~~
~~(i) Health insurance offered through a group health plan maintained by a large employer; and~~
~~(j) Credit involuntary unemployment insurance.~~

~~2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.] (Deleted by amendment.)~~

Sec. 113. ~~[NRS 686B.040 is hereby amended to read as follows:~~
~~686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.~~
~~2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 55, inclusive, of this act~~

~~for a breach of the practitioner's professional duty toward a patient.] (Deleted by amendment.)~~

~~Sec. 114. [NRS 686B.070 is hereby amended to read as follows:~~

~~686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner all:~~

- ~~(a) Rates and proposed increases thereto;~~
- ~~(b) Forms of policies to which the rates apply;~~
- ~~(c) Supplementary rate information; and~~
- ~~(d) Changes and amendments thereof,~~

~~made by it for use in this state.~~

~~2. A filing made pursuant to this section must include a proposed effective date and must be filed not less than 30 days before that proposed effective date, except that a filing for a proposed increase or decrease in a rate may include a request that the Commissioner authorize an effective date that is earlier than the proposed effective date.~~

~~3. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 55, inclusive, of this act for a breach of the practitioner's professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:~~

- ~~(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.~~
- ~~(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.~~

~~If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.~~

~~4. If an insurer makes a filing for a proposed increase in a rate for a health benefit plan, as that term is defined in NRS 687B.470, the filing must include a unified rate review template, a written description justifying the rate increase and any rate filing documentation.~~

~~5. As used in this section, "rate filing documentation," "unified rate review template" and "written description justifying the rate increase" have the meanings ascribed in 45 C.F.R. § 154.215.] (Deleted by amendment.)~~

~~Sec. 115. [NRS 686B.115 is hereby amended to read as follows:~~

~~686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.~~

~~2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.~~

~~3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 55, inclusive, of this act for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:~~

~~(a) The name and title of the person;~~

~~(b) The interest of the person in the hearing; and~~

~~(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.~~

~~4. If a person provides testimony at a hearing in accordance with subsection 3:~~

~~(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.~~

~~(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive. (Deleted by amendment.)~~

Sec. 116. ~~[NRS 686B.117 is hereby amended to read as follows:~~

~~686B.117 If a filing made with the Commissioner pursuant to paragraph (a) of subsection 1 of NRS 686B.070 pertains to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 55, inclusive, of this act for a breach of the practitioner's professional duty toward a patient, any interested person, and any association of persons or organization whose members may be affected, may intervene as a matter of right in any hearing or other proceeding conducted to determine whether the applicable rate or proposed increase thereto:~~

~~1. Complies with the standards set forth in NRS 686B.050 and subsection 3 of NRS 686B.070.~~

~~2. Should be approved or disapproved. (Deleted by amendment.)~~

Sec. 117. ~~[NRS 689A.035 is hereby amended to read as follows:~~

~~689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.~~

~~2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the~~

~~Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between an insurer and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS [.] or sections 2 to 55, inclusive, of this act. (Deleted by amendment.)~~

Sec. 118. [NRS 689B.015 is hereby amended to read as follows:

~~689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.~~

~~2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS [.] or sections 2 to 55, inclusive, of this act. (Deleted by amendment.)~~

Sec. 119. ~~[NRS 689C.435 is hereby amended to read as follows:~~

~~689C.435 1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.~~

~~2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 45 days' written notice of the modification of the carrier's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS [.] or sections 2 to 55, inclusive, of this act. (Deleted by amendment.)~~

Sec. 120. ~~[NRS 690B.250 is hereby amended to read as follows:~~

~~690B.250 Except as more is required in NRS 630, 3067 and 633, 526:~~

~~1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS or sections 2 to 55, inclusive, of this act for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the name of the claimant and the practitioner and the circumstances of the case.~~

~~2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS or sections 2 to 55, inclusive, of this act who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than \$5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.~~

~~3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board. (Deleted by amendment.)~~

Sec. 121. ~~[NRS 690B.270 is hereby amended to read as follows:~~

~~690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 55, inclusive, of this act a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy. (Deleted by amendment.)~~

Sec. 122. ~~[NRS 690B.280 is hereby amended to read as follows:~~

~~690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS [,] or sections 2 to 55, inclusive, of this act, sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate. (Deleted by amendment.)~~

Sec. 123. ~~[NRS 690B.290 is hereby amended to read as follows:~~

~~690B.290 If an insurer offers to issue a claims made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS [,] or sections 2 to 55, inclusive, of this act, the insurer shall:~~

~~1. Offer to issue an extended reporting endorsement to the practitioner; and~~

~~2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:~~

~~(a) An amount that is not more than twice the amount of the premium for the claims made policy at the time of the termination of that policy; and~~

~~(b) The rates filed by the insurer and approved by the Commissioner. (Deleted by amendment.)~~

Sec. 124. ~~[NRS 690B.310 is hereby amended to read as follows:~~

~~690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS, or sections 2 to 55, inclusive, of this act for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:~~

- ~~(a) The names of the parties;~~
- ~~(b) The date of the incidents or events giving rise to the claim or action;~~
- ~~(c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and~~
- ~~(d) The effective date of the agreement.~~

~~2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.] (Deleted by amendment.)~~

Sec. 125. ~~[NRS 690B.320 is hereby amended to read as follows:~~

~~690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS, or sections 2 to 55, inclusive, of this act, the insurer shall:~~

- ~~(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim;~~
- ~~(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement;~~
- ~~(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered;~~
- ~~(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed;~~
- ~~(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:~~

~~If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.~~

~~2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.~~

~~3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.] (Deleted by amendment.)~~

Sec. 126. ~~[NRS 690B.340 is hereby amended to read as follows:~~

~~690B.340 If a settlement or judgment exceeds the limits of the coverage provided by a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS [,] or sections 2 to 55, inclusive, of this act, the Commissioner shall review the settlement or judgment. If the Commissioner finds, after notice and a hearing, or upon waiver of hearing by the insurer, that the insurer who issued the policy violated any provision of this Code with regard to the settlement or judgment, any combination of such settlements or judgments, or any proceedings related thereto, the Commissioner may suspend, limit or revoke the insurer's certificate of authority. (Deleted by amendment.)~~

Sec. 127. ~~[NRS 690B.360 is hereby amended to read as follows:~~

~~690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 55, inclusive, of this act is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information may include, without limitation:~~

~~(a) The amount of gross premiums collected with regard to each medical specialty;~~

~~(b) Information relating to loss ratios;~~

~~(c) Information reported pursuant to NRS 690B.260; and~~

~~(d) Information reported pursuant to NRS 679B.430 and 679B.440.~~

~~2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:~~

~~(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 55, inclusive, of this act in this State;~~

~~(b) Whose credit utilization shows a substantial change from the previous year; or~~

~~(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.~~

~~3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:~~

~~(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and~~

~~(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 55, inclusive, of this act in this State.~~

~~4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a~~

~~practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS or sections 2 to 55, inclusive, of this act in this State.~~

~~5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS or sections 2 to 55, inclusive, of this act is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature. (Deleted by amendment.)~~

Sec. 128. ~~[NRS 695A.095 is hereby amended to read as follows:~~

~~695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.~~

~~2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between a society and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days' written notice of the modification of the society's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS [.] or sections 2 to 55, inclusive, of this act. (Deleted by amendment.)~~

Sec. 129. ~~[NRS 695B.035 is hereby amended to read as follows:~~

~~695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.~~

~~2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS [.] or sections 2 to 55, inclusive, of this act. (Deleted by amendment.)~~

Sec. 130. ~~[NRS 695C.125 is hereby amended to read as follows:~~

~~695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~2. A contract between a health maintenance organization and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification~~

~~within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS [.] or sections 2 to 55, inclusive, of this act. (Deleted by amendment.)~~

Sec. 131. ~~[NRS 695G.430 is hereby amended to read as follows:~~

~~695G.430 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.~~

~~2. A contract between a managed care organization and a provider of health care may be modified:~~

~~(a) At any time pursuant to a written agreement executed by both parties.~~

~~(b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 45 days' written notice of the modification of the managed care organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).~~

~~3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:~~

~~(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or~~

~~(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.~~

~~4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS [.] or sections 2 to 55, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 132. [1. As soon as practicable after the effective date of sections 12 and 70 of this act, the Governor shall appoint the members of the Nevada State Board of Dental Hygienists and the Board of Dental Examiners of Nevada as required pursuant to the amendatory provisions of sections 12 and 70 of this act. The current members of the Committee on Dental Hygiene created pursuant to NRS 631.205 who are appointed pursuant to paragraph (a) of subsection 2 of NRS 631.205 shall be deemed appointed to the Nevada State Board of Dental Hygienists created by section 11 of this act for terms equal to the remainder of their current terms on the Committee on Dental Hygiene.~~

~~2. If a person is actively licensed as a dental hygienist pursuant to chapter 631 of NRS on December 31, 2019, he or she shall be deemed to hold an equivalent license, with the same expiration date, pursuant to the provisions of sections 2 to 55, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 133. [NRS 631.205, 631.287 and 631.310 are hereby repealed.] (Deleted by amendment.)~~

Sec. 133.5. Not later than January 1, 2025, the State Dental Health Officer shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that details the impact of authorizing the practice of dental therapy on the quality and availability of dental services in this State.

Sec. 133.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 134. 1. This section and sections 1 to ~~[22,] 75, inclusive, [and 24] 77 to [132,] 91, inclusive, and 93 to 133.7, inclusive, of this act become effective:~~

(a) Upon passage and approval for the purposes of making appointments, adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2020, for all other purposes.

2. ~~[Sections 22 and] Section 76 of this act [expire] expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending or restricting the use of professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.~~

~~[3. Section 23 of this act becomes effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending or restricting the use of professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.~~

~~4. Sections 43 and]~~

3. Section 92 of this act ~~expire~~ expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, ↪ are repealed by the Congress of the United States.

~~TEXT OF REPEALED SECTIONS~~

~~631.205 Creation; membership; powers and duties.~~

~~1. The Committee on Dental Hygiene is hereby created.~~

~~2. The Committee consists of:~~

~~(a) The members of the Board who are dental hygienists; and~~

~~(b) One dentist who is a member of the Board and who has supervised a dental hygienist for at least 3 years immediately preceding his or her appointment to the Committee by the Board.~~

~~3. The Committee:~~

~~(a) May accept recommendations from dental hygienists, dentists and the general public and may meet to review such recommendations;~~

~~(b) May make recommendations to the Board concerning:~~

~~(1) The practice of dental hygiene; and~~

~~(2) The licensing of dental hygienists, including, without limitation, requirements relating to the education, examination and discipline of dental hygienists.~~

~~(c) Shall carry out any duties the Board may assign to the Committee.~~

~~631.287 Dental hygienists: Special endorsement of license to practice public health dental hygiene; renewal.~~

~~1. The Board shall, upon application by a dental hygienist who is licensed pursuant to this chapter and has such qualifications as the Board specifies by regulation, issue a special endorsement of the license allowing the dental hygienist to practice public health dental hygiene. The special endorsement may be renewed biennially upon the renewal of the license of the dental hygienist.~~

~~2. A dental hygienist who holds a special endorsement issued pursuant to subsection 1 may provide services without the authorization or supervision of a dentist only as specified by regulations adopted by the Board.~~

~~631.310 Dental hygienists: Places of practice; limitations on performance and provision of services.~~

~~1. Except as otherwise provided in NRS 631.271 and 631.287, the holder of a license or renewal certificate to practice dental hygiene may practice dental hygiene in this State in the following places:~~

~~(a) In the office of any licensed dentist.~~

~~—(b) In a clinic or in clinics in the public schools of this State as an employee of the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~—(c) In a clinic or in clinics in a state institution as an employee of the institution.~~

~~—(d) In a clinic established by a hospital approved by the Board as an employee of the hospital where service is rendered only to patients of the hospital, and upon the authorization of a member of the dental staff.~~

~~—(e) In an accredited school of dental hygiene.~~

~~—(f) In other places if specified in a regulation adopted by the Board.~~

~~2. A dental hygienist may perform only the services which are authorized by a dentist licensed in the State of Nevada, unless otherwise provided in a regulation adopted by the Board.~~

~~3. Except as otherwise provided in NRS 631.287 or specifically authorized by a regulation adopted by the Board, a dental hygienist shall not provide services to a person unless that person is a patient of the dentist who authorized the performance of those services.]~~

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 424 to Senate Bill No. 366 deletes all sections of the bill, which establish the Nevada State Board of Dental Hygienists for regulating the practice and professions of dental hygiene and dental hygienists. It establishes the requirements for a person to apply as a dental therapist and requires dental therapists to obtain certain amount of hours of clinical practice under direct supervision. It restricts the number of written agreements an authorized dentist may enter into with dental therapists to four full-time or full-time equivalent dental therapists. The bill requires the State Dental Director to conduct a study within five years regarding the impact to dental services in Nevada and the impact of dental therapists. It requires a dental practice to disclose to a patient whether the patient is scheduled to see a dentist or a dental therapist. It deletes all references relating to teledentistry. It deletes section 66, which provides specific settings for a dental therapist to perform his or her duties. It amends section 68 to increase from 36 to 40 the required continuing education hours for a dental therapist. It amends section 74, subsection 2(b) to delete provisions authorizing a dental therapist or dental hygienist to administer nitrous oxide analgesia. It also amends sections 73 and 75 through 132 to retain language pertaining to dental hygiene and dental hygienists and deletes section 133 in its entirety, which repeals the sections pertaining to dental hygiene and dental hygienists.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 377.

Bill read second time.

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

Amendment No. 425.

SUMMARY—Revises provisions relating to workers' compensation. (BDR 53-1025)

AN ACT relating to industrial insurance; authorizing the use of money in the Fund for Workers' Compensation and Safety in the State Treasury to make certain payments; ~~eliminating~~ revising the authority of the Administrator of the Division of Industrial Relations of the Department of Business and Industry to make certain payments from the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety; revising provisions providing for an annual increase in benefits for permanent total disability; authorizing assessments against certain employers to defray the costs of certain compensation for permanent total disability; repealing provisions authorizing annual payments to certain persons who are entitled to compensation for permanent total disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for an annual increase in compensation in the amount of 2.3 percent to claimants or dependents thereof who are entitled to compensation for permanent total disability under industrial insurance for an industrial injury or disablement from an occupational disease that occurs on or after January 1, 2004. (NRS 616C.473) Existing law provides for a single annual payment to claimants and their dependents who are entitled to receive compensation for permanent total disability but are not entitled to the 2.3 percent annual increase in that compensation because the industrial injury or disablement occurred before January 1, 2004. (NRS 616C.453) Existing law provides that such annual payments are paid from the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety in the State Treasury, an account which is funded by assessments against insurers and certain employers who provide accident benefits for injured employees. (NRS 616A.430)

Existing law sets forth the uses of money and securities in the Fund for Workers' Compensation and Safety. (NRS 616A.425) Section 1 of this bill provides that money in the Fund may also be used to : (1) reimburse insurers and employers for payments of an annual increase in compensation for permanent total disability to claimants and dependents of claimants who are entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004, to the extent income realized on the investment of the assets in the Uninsured Employers' Claim Account in the Fund is sufficient to pay that compensation; and (2) pay the salary and other expenses of administering the payment of increased compensation to claimants and dependents of claimants who are entitled to compensation for permanent total disability caused by industrial injuries and disablements from occupational diseases that occurred before January 1, 2004.

Section 2.5 of this bill authorizes an insurer or employer who pays an annual increase in compensation for permanent total disability to a claimant or dependent who is entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004, to obtain reimbursement from the Administrator of the Division of Industrial Relations of the

Department of Business and Industry and establishes the procedure for obtaining such a reimbursement. Under section 2.5, reimbursements approved by the Administrator are required to be paid from the income realized on the investment of the assets in the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety in the State Treasury. If the income realized on the investment of the assets in that Account is insufficient to fund the annual increase in compensation, the remainder of the reimbursements are required to be paid from certain assessments levied on insurers and employers by the Administrator.

Section 3 of this bill provides for a 2.3 percent annual increase in compensation for permanent total disability to claimants and dependents of claimants who are entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004, with compensation to be increased on January 1, 2020, and on January 1 each year thereafter.

Section 4 of this bill provides that assessments against employers who provide accident benefits for injured employees may be used to ~~defray the costs of~~ pay reimbursement to insurers for the cost of the annual increase in compensation payable to claimants and dependents of claimants who are entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004, ~~to~~, to the extent that income realized on the investment of the assets in the Uninsured Employers' Claim Account is insufficient to pay that reimbursement.

Section 5 of this bill repeals provisions which authorize a single annual payment to claimants and their dependents who are entitled to receive compensation for permanent total disability but are not entitled to the 2.3 percent annual increase in that compensation. Section 2 of this bill eliminates the authority of the Administrator of the Division of Industrial Relations of the Department of Business and Industry to make the annual payments from the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety ~~to~~ and, instead, authorizes the reimbursements authorized by section 2.5 to be paid from the Account.

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

Section 1. NRS 616A.425 is hereby amended to read as follows:

616A.425 1. There is hereby established in the State Treasury the Fund for Workers' Compensation and Safety as an enterprise fund. All money received from assessments levied on insurers and employers by the Administrator pursuant to NRS 232.680 must be deposited in this Fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Division for functions supported in whole or in part from the Fund must be delivered to the custody of the State Treasurer for deposit to the credit of the Fund.

3. All money and securities in the Fund must be used to defray all costs and expenses of administering the program of workers' compensation, including the payment of:

(a) All salaries and other expenses in administering the Division of Industrial Relations, including the costs of the office and staff of the Administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the Hearings Division of the Department of Administration and the programs of self-insurance and review of premium rates by the Commissioner.

(c) The salary and other expenses of a full-time employee of the Legislative Counsel Bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) That portion of the salaries and other expenses of the Office for Consumer Health Assistance of the Department of Health and Human Services established pursuant to NRS 232.458 that is related to providing assistance to consumers and injured employees concerning workers' compensation.

(g) For claimants and dependents of claimants who are entitled to receive compensation for a permanent total disability caused by an industrial injury or a disablement that occurred before January 1, 2004:

(1) Reimbursement to insurers for the cost of the annual increase in the compensation pursuant to subsection 2 of NRS 616C.473; and

(2) The salary and other expenses of administering the payment of the annual increase in the compensation ~~to claimants and dependents~~ pursuant to subsection 2 of NRS 616C.473.

4. The State Treasurer may disburse money from the Fund only upon written order of the Controller.

5. The State Treasurer shall invest money of the Fund in the same manner and in the same securities in which the State Treasurer is authorized to invest state general funds which are in his or her custody. Income realized from the investment of the assets of the Fund must be credited to the Fund ~~to defray the compensation payable to claimants and dependents pursuant to subsection 2 of NRS 616C.473.~~

6. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the Commissioner 30 days before their effective date. Any insurer or employer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

7. If the Division refunds any part of an assessment, the Division shall include in that refund any interest earned by the Division from the refunded part of the assessment.

Sec. 2. NRS 616A.430 is hereby amended to read as follows:

616A.430 1. There is hereby established in the State Treasury the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety, which may be used only for the purpose of making payments in

accordance with the provisions of NRS 616C.220 ~~[, 616C.453]~~ and 617.401 ~~[,]~~ and subsection 2 of NRS 616C.473. The Administrator shall administer the Account and shall credit any excess money toward the assessments of the insurers for the succeeding years.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Administrator for the Uninsured Employers' Claim Account must be delivered to the custody of the State Treasurer.

3. All money and securities in the Account must be held by the State Treasurer as custodian thereof to be used solely for workers' compensation.

4. The State Treasurer may disburse money from the Account only upon written order of the State Controller.

5. The State Treasurer shall invest money of the Account in the same manner and in the same securities in which the State Treasurer is authorized to invest money of the State General Fund. Income realized from the investment of the assets of the Account must be credited to the Account.

6. The Administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount to be deposited in the Uninsured Employers' Claim Account. To establish the amount of the assessment, the Administrator shall determine the amount of money necessary to maintain an appropriate balance in the Account for each fiscal year and shall allocate a portion of that amount to be payable by private carriers, a portion to be payable by self-insured employers, a portion to be payable by associations of self-insured public or private employers and a portion to be payable by the employers who provide accident benefits pursuant to NRS 616C.265, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable, the Administrator shall apply an assessment rate to the:

(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;

(b) Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;

(c) Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and

(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflects the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims.

↪ The Administrator shall adopt regulations for the establishment and administration of the assessment rates, payments and any penalties that the

Administrator determines are necessary to carry out the provisions of this subsection. As used in this subsection, the term "group of insurers" includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.

7. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the Commissioner 30 days before their effective date. Any insurer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

Sec. 2.5. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer, including an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an annual increase in compensation for a permanent total disability to a claimant or a dependent of a claimant pursuant to subsection 2 of NRS 616C.473 is entitled to be reimbursed for the amount of that increase in accordance with this section if the insurer provides to the Administrator all of the following:

(a) The name of the claimant or dependent of a claimant to whom the insurer paid the increase in compensation.

(b) The claim number under which the compensation for a permanent total disability was paid to the claimant or dependent of a claimant.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the permanent total disability of the injured employee.

(d) The date on which the disability of the injured employee was determined or deemed to be total and permanent.

(e) The amount of the compensation for a permanent total disability to which the claimant or dependent of a claimant was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in compensation for a permanent total disability.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the items required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement for payments of increases in compensation for permanent total disability which were made in the immediately preceding calendar year.

3. An insurer may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by the Administrator.

4. If the Administrator approves an insurer's request for reimbursement, the Administrator must withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in that Account that is necessary to reimburse the insurer or employer for the cost of the increase in compensation paid to claimants and dependents pursuant to subsection 2 of NRS 616C.473. If the income realized from the investment of the assets in the Account is insufficient to pay such reimbursement, the Administrator must pay the

remainder of the reimbursement from the assessments levied by the Administrator pursuant to NRS 232.680.

5. An insurer may elect to apply any approved reimbursement under this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 3. NRS 616C.473 is hereby amended to read as follows:

616C.473 1. If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurs on or after January 1, 2004, the claimant or dependent is entitled to an annual increase in that compensation in the amount of 2.3 percent. The compensation must be increased pursuant to this ~~section~~ subsection:

(a) On January 1 of the year immediately after the year in which the claimant or dependent becomes entitled to receive that compensation; and

(b) On January 1 of each successive year after the year specified in paragraph (a) in which the claimant or dependent is entitled to receive that compensation.

2. *If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurred ~~on or~~ before January 1, 2004, the claimant or dependent is entitled to an annual increase in that compensation in the amount of 2.3 percent. The compensation must be increased pursuant to this subsection:*

(a) On January 1, 2020; and

(b) On January 1 of each year thereafter.

3. Any increase in compensation provided pursuant to this section is in addition to any increase in compensation to which a claimant or a dependent of a claimant is otherwise entitled by law.

Sec. 4. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the Division, a full-time employee of the Legislative Counsel Bureau and the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420, and that portion of the cost of the Office for Consumer Health Assistance established pursuant to NRS 232.458 that is related to providing assistance to consumers and injured employees concerning workers' compensation, must be paid from assessments payable by each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265.

2. The Administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265. To establish the amount of the assessment, the Administrator shall determine the amount of money necessary for each of the expenses set forth in subsections 1 and 4 of this section and subsection 3 of NRS 616A.425

and determine the amount that is payable by the private carriers, the self-insured employers, the associations of self-insured public or private employers and the employers who provide accident benefits pursuant to NRS 616C.265 for each of the programs. For the expenses from which more than one group of insurers receives benefit, the Administrator shall allocate a portion of the amount necessary for that expense to be payable by each of the relevant group of insurers, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable among each group of insurers for all the expenses from which each group receives benefit, the Administrator shall apply an assessment rate to the:

(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;

(b) Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;

(c) Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and

(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflect the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims.

↪ The Administrator shall adopt regulations that establish the formula for the assessment and for the administration of payment, and any penalties that the Administrator determines are necessary to carry out the provisions of this subsection. The formula may use actual expenditures for claims. As used in this subsection, the term "group of insurers" includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.

3. Federal grants may partially defray the costs of the Division.

4. Assessments made against insurers by the Division after the adoption of regulations must be used to defray all costs and expenses of administering the program of workers' compensation, including the payment of:

(a) All salaries and other expenses in administering the Division, including the costs of the office and staff of the Administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the Hearings Division of the Department of Administration and the programs of self-insurance and review of premium rates by the Commissioner of Insurance.

(c) The salary and other expenses of a full-time employee of the Legislative Counsel Bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) That portion of the salaries and other expenses of the Office for Consumer Health Assistance established pursuant to NRS 232.458 that is related to providing assistance to consumers and injured employees concerning workers' compensation.

~~{5.—If the Division refunds any part of an assessment, the Division shall include in that refund any interest earned by the Division from the refunded part of the assessment.}~~

(g) ~~*For claimants and dependents of claimants who are entitled to receive compensation for a permanent total disability caused by an industrial injury or a disablement that occurred before January 1, 2004, reimbursement to insurers for the cost of the annual increase in the compensation payable to claimants and dependents of the claimants*~~ pursuant to subsection 2 of NRS 616C.473.

Sec. 5. NRS 616C.453 is hereby repealed.

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

TEXT OF REPEALED SECTION

616C.453 Additional annual payment to certain claimants and dependents of claimants who are entitled to receive compensation for permanent total disability; adoption of regulations to determine amount of payment.

1. If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability and the claimant or dependent is not entitled to an annual increase in that compensation pursuant to NRS 616C.473, the claimant or dependent is entitled to an annual payment for that permanent total disability in an amount determined by the Administrator pursuant to subsection 3, but such annual payments may not exceed \$1,200 per claimant or dependent. Except as otherwise provided in subsection 5, the total payments made pursuant to this section may not exceed \$500,000 per year.

2. Each year, the Administrator shall withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in the Account that is necessary to fund the payments calculated pursuant to subsection 3.

3. The Administrator shall adopt regulations establishing a method for the equitable distribution of the money withdrawn from the Account pursuant to subsection 2. The regulations must provide for payments that result in the largest proportional share of the money being paid to claimants and dependents who receive the lowest amount of compensation pursuant to chapters 616A to 617, inclusive, of NRS for the permanent total disability. The Administrator may adopt any other regulations that are necessary to carry out the provisions of this section.

4. Except as otherwise provided in subsection 5, the Administrator shall make the payment required by this section to each claimant and dependent of the claimant who is entitled to the payment not later than October 1 of each year. Any payment received by the claimant or dependent of the claimant pursuant to this section is in addition to any compensation to which the claimant or dependent of the claimant is otherwise entitled by law.

5. The Administrator may make a payment from the Account to a claimant or a dependent of a claimant that would have been payable in a prior year pursuant to subsection 3 if the Administrator determines that the claimant or dependent was entitled to the payment pursuant to subsection 1.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 425 makes three changes to Senate Bill No. 377. It amends section 1 to authorize the use of money in the Fund for Workers' Compensation and Safety be used to reimburse the annual increased compensation to claimants and dependents that suffered an injury or disablement before January 1, 2004, if the interest realized on the investment of the assets from the Uninsured Employers' Claim Account is insufficient to fund such increased compensation. It amends the bill to authorize an employer or insurer who pays an annual increase in compensation, pursuant to this bill, to obtain a reimbursement from the Administrator of the Division of Industrial Relations of the Department of Business and Industry paid from the income realized from the interest on the Account or from certain assessments levied on insurers and employers if the income realized from the Account is insufficient. It amends section 4 to clarify that the assessments against insurers who provide accident benefits for injured employees may be used to pay the cost of the annual increase in compensation paid to the claimants.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 388.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 437.

SUMMARY—Revises provisions relating to public records. (BDR 19-827)

AN ACT relating to public records; providing for the designation of certain public records and portions of public records as confidential; requiring a governmental entity to grant a request to copy such records under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally authorizes members of the public to inspect or copy public records not declared by law to be confidential. (NRS 239.010) Section 1 of this bill provides that a record or portion of a record that contains personally identifiable information collected by automated means over the Internet or other digital network by a governmental entity as part of the electronic

collection of information from the general public is confidential if the governmental entity determines that the disclosure of the personally identifiable information could create negative consequences for the person to whom the record pertains. Section 1 additionally requires a governmental entity to maintain a list of records and portions of records declared confidential under such circumstances. Section 1 requires the governmental entity to grant a request to inspect or copy such a record or portion of a record declared confidential under such circumstances if the disclosure is not otherwise prohibited by state or federal law and the requester demonstrates a compelling justification that outweighs the risk of potential negative consequences. Section 1 requires a governmental entity to submit to the Legislature an annual report that includes a description of each record determined to be confidential under such circumstances and the reasons for that determination.

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in subsection 3, a record or portion of a record that contains personally identifiable information collected by automated means over the Internet or other digital network by a governmental entity as part of the electronic collection of information from the general public is confidential if the governmental entity determines that the disclosure of the personally identifiable information could potentially create negative consequences, including, without limitation, financial loss, stigmatization, harm to reputation, anxiety, embarrassment, fear or other physical or emotional harm, for the person to whom the information pertains.*

2. *Each governmental entity shall maintain a list of records and portions of records determined to be confidential pursuant to subsection 1. The list must describe each record or portion of a record without revealing any personally identifiable information contained in the record.*

3. ~~1A~~ *Except if the disclosure is otherwise prohibited by state or federal law, a governmental entity shall grant a request pursuant to NRS 239.010 to inspect or copy a record or portion of a record determined to be confidential pursuant to subsection 1 if the requester demonstrates a compelling operational, administrative, legal or educational justification for inspecting or copying the record or portion of a record, as applicable, that, in the determination of the governmental entity, outweighs the risk of potential negative consequences to the person to whom the record pertains.*

4. *On or before February 15 of each year, a governmental entity shall:*

(a) *Prepare a report that provides a detailed description of each record or portion of a record determined to be confidential pursuant to subsection 1 and an explanation of the reasons for that determination. The report must not include any personally identifiable information.*

(b) *Submit the report to the Director of the Legislative Counsel Bureau for transmittal to:*

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

5. *As used in this section, "personally identifiable information" means information that, alone or in combination with other information, may be used to identify a person or an electronic device used by the person. The term includes, without limitation, the name, address, telephone number, date of birth, and directory information of a person.*

Sec. 2. NRS 239.010 is hereby amended to read as follows:

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

433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600 ~~and~~ *and section 1 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or

copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

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

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

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

Sec. 3. 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. 4. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

This relates to public records. Amendment No. 437 to Senate Bill No. 388 adds language to clarify that the bill is meant to protect certain records collected as part of the mass collection of information connected with "smart communities" initiatives.

Amendment adopted.

Senator Woodhouse moved that the bill be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 158.

SUMMARY—Revises provisions relating to elections. (BDR 24-1141)

AN ACT relating to elections; authorizing absent ballots to be returned to polling places for early voting; revising provisions related to certain persons who distribute forms to request absent ballots; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that absent ballots issued to registered voters by the county or city clerk must be returned by mail, by another authorized method or by a person who is authorized to return the absent ballot on behalf of the absent voter. (NRS 293.3088-293.340, 293C.304-293C.340) Existing law also provides for the establishment by the county or city clerk of permanent and

temporary polling places for early voting. (NRS 293.356-293.361, 293C.355-293C.361) Sections 1, 1.2-1.9 and 2.2-2.5 of this bill provide that: (1) absent ballots issued to registered voters may be returned to an election board officer at a permanent or temporary polling place for early voting and must be accepted by the election board officer, unless the person who delivers the absent ballot is not authorized to return the absent ballot on behalf of the absent voter; and (2) the accepted absent ballots must be secured, delivered and recorded under a plan for the security of the ballots that is developed by the county or city clerk and approved by the Secretary of State. Sections 1.3 and 2.3 also provide that, under certain circumstances, a registered voter who is issued an absent ballot may surrender his or her absent ballot at a polling place for early voting and vote in person at that polling place.

Under existing law, a person who, during the 6 months immediately preceding an election, intends to distribute to more than 500 registered voters a form to request an absent ballot for the election, is required to notify the county or city clerk in writing of: (1) the approximate number of forms to be distributed to registered voters in the county or city, as applicable; and (2) the first date on which the forms will be distributed to registered voters. (NRS 293.3095, 293C.306) ~~(This bill revises) Sections 1.1 and 2 of this bill revise the deadline for providing such notification to the county or city clerk from not later than 14 days to not later than 28 days before distributing such a form to request an absent ballot.)~~ the forms.

Under existing law, such a person ~~(as previously described)~~ distributing the forms is prohibited from mailing ~~(a form to request an absent ballot to a)~~ the forms to registered ~~(voter)~~ voters later than 21 days before the election. (NRS 293.3095, 293C.306) ~~(This bill prohibits) Sections 1.1 and 2 of this bill prohibit such a person from mailing the (form to request an absent ballot) forms to (a) registered (voter) voters later than 35 days before the election. Sections 1.1 and 2 also require such a person to include a notice on each form that: (1) informs the voters that they are not receiving an official elections notice from the Secretary of State or the county or city clerk; (2) explains to the voters the purpose of the form; and (3) informs the voters that they do not need to submit the form to the county or city clerk if they have already requested an absent ballot for that election year or they are already entitled to receive an absent ballot for all elections.~~

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. During the days and times that early voting is conducted at a permanent or temporary polling place for early voting, an election board officer at the polling place shall accept any absent ballot issued to a registered voter of the county that is delivered in its return envelope to the election board officer, unless the person who delivers the absent ballot to the election board officer

is not authorized to return the absent ballot on behalf of the registered voter pursuant to NRS 293.3088 to 293.340, inclusive.

2. If an election board officer accepts an absent ballot pursuant to this section, the absent ballot must be secured, delivered and recorded pursuant to subsection 3 of NRS 293.325.

~~Section 1.1.~~ Sec. 1.1. NRS 293.3095 is hereby amended to read as follows:

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

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

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

(2) Include ~~in~~ the following notice stating, ~~"This"~~ with the first sentence of the notice in bold type:

This is not an official elections notice from the Secretary of State or your county or city clerk. This is a form to request ~~for~~ an absent ballot ~~for~~ that you may submit to your county or city clerk if you want to vote by absent ballot. However, even if you want to vote by absent ballot, you do not need to submit this form if you have already requested an absent ballot for this election year or are already entitled to receive an absent ballot for all elections.

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

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

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

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

Sec. 1.2. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the county clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the county clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the county clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the county

clerk's register. If the county clerk determines that the absent voter is entitled to cast a ballot, the county clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the county clerk at all times. At the end of each day before election day, the county clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the county clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293.273 or 293.305.

3. When an absent ballot is accepted by an election board officer at a permanent or temporary polling place for early voting pursuant to section 1 of this act, the absent ballot must be deposited, unopened, by the election board officer in a ballot box or container with any other absent ballots received that day. The county clerk shall deliver or cause to be delivered the absent ballots in that ballot box or container to the appropriate election board or absent ballot central counting board, if one has been appointed. The county clerk shall develop a procedure to ensure a record is made of each absent ballot that is accepted by an election board officer at a permanent or temporary polling place for early voting pursuant to section 1 of this act.

Sec. 1.3. NRS 293.330 is hereby amended to read as follows:

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

(a) Mail the return envelope ~~to~~ :

(b) Deliver the return envelope to the office of the county clerk; or

(c) Deliver the return envelope to an election board officer at a permanent or temporary polling place for early voting pursuant to section 1 of this act.

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

(a) The office of the county clerk ~~to~~ and the provisions of paragraph (b) or (c) do not otherwise apply, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A permanent or temporary polling place for early voting during the period for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification to an election board officer in order to be issued a ballot to vote at the polling place. The election board officer who receives the surrendered absent ballot shall mark it "Cancelled."

(c) A polling place ~~including, without limitation, a polling place for early voting,~~ on election day, the absent voter must surrender the absent ballot and

provide satisfactory identification ~~before being~~ to an election board officer in order to be issued a ballot to vote at the polling place. ~~A person~~ The election board officer who receives ~~it~~ the surrendered absent ballot shall mark it "Cancelled."

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

- (a) Provides satisfactory identification;
- (b) Is a registered voter who is otherwise entitled to vote; and
- (c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

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

Sec. 1.4. NRS 293.340 is hereby amended to read as follows:

293.340 1. In counties in which an absent ballot central counting board is appointed, ~~the~~ the county clerk shall provide a ballot box in the county clerk's office for each different ballot listing in the county.

2. On each ~~such~~ box, ~~there~~ there must appear a statement indicating the precincts and district for which ~~such~~ the box has been designated.

3. Except as otherwise provided in NRS ~~293.325 and~~ 293D.200, each absent ballot voted must be deposited in a ballot box according to the precinct or district of the absent voter voting ~~such~~ that ballot.

Sec. 1.5. NRS 293.3594 is hereby amended to read as follows:

293.3594 1. A plan for the security of ballots for early voting must be submitted to the Secretary of State for approval no later than 90 days before the election at which early voting is to be conducted. The plan must include, without limitation, a plan for the security of absent ballots accepted by an election board officer at a polling place for early voting pursuant to section 1 of this act.

2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the Secretary of State so that its unauthorized operation is prevented.

3. All materials for early voting must be delivered to the county clerk's office at the close of voting on the last day for voting at the polling place for early voting.

Sec. 1.9. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. During the days and times that early voting is conducted at a permanent or temporary polling place for early voting, an election board officer at the polling place shall accept any absent ballot issued to a registered voter of the city that is delivered in its return envelope to the election board officer, unless the person who delivers the absent ballot to the election board officer is not authorized to return the absent ballot on behalf of the registered voter pursuant to NRS 293C.304 to 293C.340, inclusive.

2. If an election board officer accepts an absent ballot pursuant to this section, the absent ballot must be secured, delivered and recorded pursuant to subsection 3 of NRS 293C.325.

Sec. 2. NRS 293C.306 is hereby amended to read as follows:

293C.306 1. A person who, during the 6 months immediately preceding an election, distributes to more than a total of 500 registered voters a form to request an absent ballot for the election shall:

(a) Distribute the form prescribed by the Secretary of State, which must, in 14-point type or larger ~~+~~ *at the top of the first page of the form:*

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

(2) Include ~~+~~ *the following* notice stating, ~~"This"~~ *with the first sentence of the notice in bold type:*

This is not an official elections notice from the Secretary of State or your county or city clerk. This is a form to request ~~for~~ an absent ballot ~~+~~ that you may submit to your county or city clerk if you want to vote by absent ballot. However, even if you want to vote by absent ballot, you do not need to submit this form if you have already requested an absent ballot for this election year or are already entitled to receive an absent ballot for all elections.

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

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

(d) Not mail such a form later than ~~24~~ 35 days before the election.

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

Sec. 2.2. NRS 293C.325 is hereby amended to read as follows:

293C.325 1. Except as otherwise provided in subsection 2 and NRS 293D.200, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, and record thereof is made in the absent ballot record book, the city clerk shall neatly stack, unopened, the absent ballot with any other absent ballot received that day in a container and deliver, or cause to be delivered, that container to the appropriate election board.

2. Except as otherwise provided in NRS 293D.200, if an absent ballot central counting board has been appointed, when an absent ballot is returned by a registered voter to the city clerk through the mail, by facsimile machine or other approved electronic transmission or in person, the city clerk shall check the signature on the return envelope, facsimile or other approved electronic transmission against the original signature of the voter on the city clerk's register. If the city clerk determines that the absent voter is entitled to cast a ballot, the city clerk shall deposit the ballot in the proper ballot box or place the ballot, unopened, in a container that must be securely locked or under the control of the city clerk at all times. At the end of each day before election day, the city clerk may remove the ballots from each ballot box, neatly stack the ballots in a container and seal the container with a numbered seal. Not earlier than 4 working days before the election, the city clerk shall deliver the ballots to the absent ballot central counting board to be processed and prepared for counting pursuant to the procedures established by the Secretary of State to ensure the confidentiality of the prepared ballots until after the polls have closed pursuant to NRS 293C.267 or 293C.297.

3. When an absent ballot is accepted by an election board officer at a permanent or temporary polling place for early voting pursuant to section 1.9 of this act, the absent ballot must be deposited, unopened, by the election board officer in a ballot box or container with any other absent ballots received that day. The city clerk shall deliver or cause to be delivered the absent ballots in that ballot box or container to the appropriate election board or absent ballot central counting board, if one has been appointed. The city clerk shall develop a procedure to ensure a record is made of each absent ballot that is accepted by an election board officer at a permanent or temporary polling place for early voting pursuant to section 1.9 of this act.

Sec. 2.3. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in this section, subsection 2 of NRS 293C.322 and chapter 293D of NRS, and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and ~~mail~~ :

- (a) Mail the return envelope ~~to~~;
- (b) Deliver the return envelope to the office of the city clerk; or
- (c) Deliver the return envelope to an election board officer at a permanent or temporary polling place for early voting pursuant to section 1.9 of this act.

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

- (a) The office of the city clerk ~~to~~ and the provisions of paragraph (b) or (c) do not otherwise apply, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A permanent or temporary polling place for early voting during the period for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification to an election board officer in order to be issued a ballot to vote at the polling place. The election board officer who receives the surrendered absent ballot shall mark it "Cancelled."

~~(c) A polling place, including, without limitation, a polling place for early voting, on election day, the absent voter must surrender the absent ballot and provide satisfactory identification (before being) to an election board officer in order to be issued a ballot to vote at the polling place. (A person) The election board officer who receives (a) the surrendered absent ballot shall mark it "Cancelled."~~

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

- (a) Provides satisfactory identification;
- (b) Is a registered voter who is otherwise entitled to vote; and
- (c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317 and 293C.318, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2.4. NRS 293C.340 is hereby amended to read as follows:

293C.340 1. In cities in which an absent ballot central counting board is appointed, the city clerk shall provide a ballot box in the city clerk's office for each different ballot listing in the city.

2. On each box, there must appear a statement indicating the precincts and district for which the box has been designated.

3. Except as otherwise provided in NRS 293C.325 and 293D.200, each absent ballot voted must be deposited in a ballot box according to the precinct or district of the absent voter voting that ballot.

Sec. 2.5. NRS 293C.3594 is hereby amended to read as follows:

293C.3594 1. A plan for the security of ballots for early voting must be submitted to the Secretary of State for approval no later than 90 days before the election at which early voting is to be conducted. The plan must include, without limitation, a plan for the security of absent ballots accepted by an

election board officer at a polling place for early voting pursuant to section 1.9 of this act.

2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the Secretary of State so that its unauthorized operation is prevented.

3. All materials for early voting must be delivered to the city clerk's office at the close of voting on the last day for voting at the polling place for early voting.

Sec. 2.9. 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. 3. This act becomes effective on July 1, 2019.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 158 to Senate Bill No. 452 requires that certain persons who distribute, in large quantities, forms to request an absent ballot to include a notice to voters that they are not receiving an official notice from the Secretary of State or the county or city clerk. The notice provides that the voter may submit the form to the local election office but does not need to if he or she already requested an absent ballot via conventional means. Additionally, the amendment authorizes a voter to submit his or her absent ballot to an election board officer at an early-voting polling location and sets forth a process for securely handling such absent ballots when they are submitted.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 456.

Bill read second time.

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

Amendment No. 161.

SUMMARY—Revises provisions relating to staff privileges for advanced practice registered nurses at hospitals. (BDR 40-786)

AN ACT relating to hospitals; authorizing the admission of an advanced practice registered nurse to membership on the medical staff of a hospital; prohibiting a hospital from automatically granting or denying such admission for certain reasons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits: (1) the automatic admission of a dentist to membership on the medical staff of a hospital; and (2) the denial of admission of a dentist to membership on the medical staff of a hospital solely because he or she is licensed as a dentist and not a physician. (NRS 449.192) Section 1 of this bill enacts a similar provision concerning advanced practice registered nurses. Specifically, section 1 affirmatively authorizes a hospital to grant admission on the membership of the medical staff of the hospital to an advanced practice registered nurse. Section 1 also prohibits the automatic admission of an advanced practice registered nurse to membership on the medical staff of a hospital or the automatic denial of such admission for the

same reasons as currently apply to a dentist. Sections 2-8 of this bill make conforming changes.

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

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

A hospital may admit an advanced practice registered nurse to membership on the medical staff of the hospital to perform any act authorized pursuant to NRS 632.237 ~~that is within the scope of practice of the advanced practice registered nurse.~~ A hospital shall not:

1. Automatically admit an advanced practice registered nurse to membership on the medical staff of the hospital solely because he or she is licensed as an advanced practice registered nurse in this State ~~for~~ is authorized pursuant to NRS 632.237 to perform certain functions ~~that~~ or certain functions are within his or her scope of practice; or

2. Deny admission to membership on the medical staff of the hospital to an advanced practice registered nurse solely because he or she is licensed as an advanced practice registered nurse and not as a physician.

Sec. 2. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, *and section 1 of this act*, unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 3. NRS 449.0301 is hereby amended to read as follows:

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

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

2. Foster homes as defined in NRS 424.014.

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

Sec. 4. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

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

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

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

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

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

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

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

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

(b) Residential facilities for groups,

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

3. The Board shall adopt separate regulations for:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Contain a sleeping area or bedroom; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5. NRS 449.160 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. NRS 449.163 is hereby amended to read as follows:

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

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

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

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

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

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

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

(2) Improvements are made to correct the violation.

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

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

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

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and section 1 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and section 1 of this act*, 449.435 to 449.530, inclusive, and 449.760 and chapter 449A of NRS to protect the health, safety, well-being and property of

the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 7. NRS 449.240 is hereby amended to read as follows:

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

Sec. 8. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, *and section 1 of this act*, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

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

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 161 to Senate Bill No. 456 clarifies that a hospital may admit an advanced-practice registered nurse to the membership on the medical staff of the hospital to perform an act that is within the APRN scope of practice.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 436.

SUMMARY—Revises provisions governing the Tahoe-Douglas Visitor's Authority. (BDR S-733)

AN ACT relating to 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 recreational facilities; authorizing the Authority to issue certain ~~revenue bonds;~~ municipal securities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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 and 4-12 of this bill make conforming changes.

Section 3 of this bill enacts provisions to govern the issuance of ~~(bonds)~~ 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 recreational facilities in the Township. Sections 3 and 13 of this bill authorize the Authority to issue ~~revenue bonds;~~ municipal securities for the acquisition of such recreational facilities, to be payable from the net revenues of such recreational facilities, the occupancy tax, the tourism surcharge and any other revenue which may be legally made available for the payment of such bonds. 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 ~~revenue bonds or other~~ municipal securities issued by the Authority.

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

Section 1. 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 and 32 immediately following section 26, to read as follows:

Sec. 27. In addition to powers elsewhere conferred, the Authority ~~is, upon behalf of the county,~~ 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 recreational facilities 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 any recreational facility 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 recreational facility and to hire and retain officers, agents and employees, including a fiscal

adviser, engineers, attorneys or other professional or specialized personnel.

~~4. [To direct the governing body, with the concurrence of the governing body, to acquire by the exercise of the power of eminent domain any real property which the Authority may deem necessary for its purposes under this section, after the adoption by the governing body of a resolution declaring that its acquisition is necessary for such purposes. This power shall be exercised in the manner provided by any applicable statutory provisions and laws of the State of Nevada. Title to property so acquired shall be taken in the name of the county.]~~

~~5.]~~ 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 ~~[section,] act~~, including the lease of any recreational facility acquired by the Authority pursuant to this ~~[section,] act~~, which is to be operated and maintained as a public project and recreational facility.

~~6.]~~ 5. To fix, and from time to time increase or decrease, rates, tolls or charges for services or facilities furnished in connection with any recreational facility, 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 recreational facilities.

~~7.]~~ 6. To receive, control, invest and order the expenditure of any and all moneys and funds pertaining to any recreational facility 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 recreational facilities.

~~8.]~~ 7. To enter into contracts, leases or other arrangements for commercial advertising purposes with any person, partnership or corporation.

~~9.]~~ 8. To exercise all or any part or combination of the powers herein granted to the Authority, except as herein otherwise provided.

~~10.]~~ 9. To sue and be sued.

~~11.]~~ 10. To do and perform any and all other acts and things necessary, convenient, desirable or appropriate to carry out the provisions of this ~~[section,] 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 recreational facilities 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 ~~section~~ 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 any recreational facility 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 any recreational facility within the Township.

Sec. 29. 1. For the acquisition of any recreational facilities 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 ~~revenue bonds;~~ municipal securities:

(a) Payable from the net revenues to be derived from the operation of such recreational facilities;

(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

~~(e)~~ (f) Payable or secured by any combination of paragraph (a), (b), (c) ~~for (d)~~, (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. ~~Revenue bonds;~~ Municipal securities issued pursuant to this ~~section~~ 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 ~~section~~ act shall be deemed to be conclusive, absent fraud or a gross abuse of discretion.

Sec. 30. ~~The bonds and any coupons issued pursuant to section 29 of this act.~~ 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 ~~bonds~~ 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 ~~bonds.~~ securities.

Sec. 31. The Authority is authorized to sell such ~~bonds~~ 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 improvements or facilities and with the authorization, issuance and sale of the ~~bonds.~~ municipal securities.

Sec. 32. In order to insure the payment of the ~~revenue bonds~~ 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 recreational facilities, 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, ~~for other such additionally secured general obligation securities of the county,~~ 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 recreational facilities, 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 ~~bonds or other~~ municipal securities, including any covenant for the establishment of reasonable reserve funds.

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 ~~+~~ *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 1 are 4 years. Each member appointed pursuant to paragraph (b) of subsection 1 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;

~~(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~~ *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~~ *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~~ *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 convention center in the Township ~~[-]~~; and

(c) *The payment of principal and interest on the ~~bonds or other~~ municipal securities issued pursuant to section 29 of this act.*

Sec. 14. This act becomes effective on July 1, 2019.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 436 to Senate Bill No. 461 relates to the Tahoe-Douglas Visitors Authority. It allows for the issuance of "municipal securities" rather than "revenue bonds." It revises language related to certain powers of the Authority and its members and expands the Township's occupancy tax and tourism surcharge to apply to premises with less than three rooms or three other units.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 480.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 398.

SUMMARY—Revises provisions relating to the number of justices of the peace in each township. (BDR 1-978)

AN ACT relating to courts; revising provisions relating to the number of justices of the peace in each township; and providing other matters properly

relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a schedule for determining how many elected justices of the peace a township is required to have based upon the population of the township. If the schedule requires an additional justice of the peace due to an increased population of the township, existing law provides that if a majority of the justices of the peace in the township submit to the Legislature and the board of county commissioners an opinion stating that the caseload of the court does not warrant an additional judge, the number of justices of the peace in that township is prohibited from being increased while the Legislature considers the opinion. (NRS 4.020) This bill revises ~~(the submission)~~ this process by requiring the ~~(board of county commissioners)~~ justices of the peace to consult with the ~~(justices of the peace and determine)~~ board of county commissioners in reaching an opinion as to whether the caseload of the court and the availability of funding warrant an additional judge.

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

Section 1. NRS 4.020 is hereby amended to read as follows:

4.020 1. There must be one justice court in each of the townships of the State, for which there must be elected by the qualified electors of the township at least one justice of the peace. Except as otherwise provided in subsection 3, the number of justices of the peace in a township must be increased according to the population of the township, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with and not to exceed the following schedule:

(a) In a county whose population is 700,000 or more:

(1) In a township whose population is less than 1,100,000, one justice of the peace for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and

(2) In a township whose population is 1,100,000 or more, one justice of the peace for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.

(b) In a county whose population is 100,000 or more and less than 700,000, one justice of the peace for each 50,000 population of the township, or fraction thereof.

(c) In a county whose population is less than 100,000, one justice of the peace for each ~~(34,000)~~ 50,000 population of the township, or fraction thereof.

(d) If a township includes a city created by the consolidation of a city and county into one municipal government, one justice of the peace for each 30,000 population of the township, or fraction thereof.

2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.

3. If the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township and, in the opinion of a majority of ~~after consulting with~~ the justices of the peace in that township, in consultation with the board of county commissioners, determines that the caseload ~~does~~ and the availability of funding do not warrant an additional justice of the peace, the justices of the peace ~~board of county commissioners~~ shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of their opinion on or before March 15 of the even numbered year in which the population of the township provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its consideration. If the justices of the peace transmit such a notice to the Director of the Legislative Counsel Bureau and the board of county commissioners, the number of justices must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.

4. Justices of the peace shall receive certificates of election from the boards of county commissioners of their respective counties.

5. The clerk of the board of county commissioners shall, within 10 days after the election or appointment and qualification of any justice of the peace, certify under seal to the Secretary of State the election or appointment and qualification of the justice of the peace. The certificate must be filed in the Office of the Secretary of State as evidence of the official character of that officer.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 398 to Senate Bill No. 480 provides that in counties with populations of less than 100,000, the population cap triggering a new justice of the peace position is raised from 34,000 to 50,000. It provides that a majority of the justices of the peace for a township must consult with the board of county commissioners in order for a decision to be made on adding a new justice of the peace.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 57.

Bill read third time.

The following amendment was proposed by Senator Denis:

Amendment No. 547.

SUMMARY—Revises provisions relating to school property. (BDR 34-415)

AN ACT relating to school property; making a blueprint ~~for diagram of the layout~~ of a public school confidential; authorizing or requiring the disclosure

of a blueprint ~~for diagram of the layout~~ of a public or private school in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the principal of a public school and the principal or person in charge of a private school to contact all appropriate local agencies to respond to a crisis or an emergency that requires immediate action. (NRS 388.257, 394.1696) Section 2 of this bill makes a blueprint ~~for diagram of the layout~~ of a public school confidential. Section 2 also: (1) requires the most current version of a blueprint ~~for diagram of the layout~~ of a public school be disclosed to a public safety agency upon its request; and (2) authorizes the disclosure of such a blueprint ~~for diagram~~ to certain persons or governmental entities for purposes related to the public school. Section 3 of this bill requires the principal or person in charge of a private school to provide a copy of the most current blueprint of the school ~~for a diagram of the most current layout of the school~~ of which he or she is in charge to a public safety agency upon its request. Sections 2 and 3 prohibit any person or governmental entity to which a blueprint ~~for diagram~~ of a school is disclosed from disclosing the blueprint ~~for diagram~~ except pursuant to a court order. Section 5 of this bill makes a conforming change.

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

Section 1. NRS 388.259 is hereby amended to read as follows:

388.259 A plan developed pursuant to NRS 388.243 or updated 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 388.229 to 388.266, inclusive, *and section 2 of this act*, must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 2. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Except as otherwise provided in NRS 239.0115, a blueprint ~~for diagram of the layout~~ of a public school, including, without limitation, a charter school or university school for profoundly gifted pupils, or any revision thereto, is confidential and:*

(a) *Must be disclosed in its most current version to a public safety agency upon its request.*

(b) *May be disclosed, upon request, to:*

(1) *An architect registered pursuant to chapter 623 of NRS, a landscape architect registered pursuant to chapter 623A of NRS, a contractor licensed pursuant to chapter 624 of NRS, a professional engineer or professional land surveyor licensed pursuant to chapter 625 of NRS or a designated employee of any such architect, landscape architect, contractor, professional engineer*

or professional land surveyor who uses the blueprint ~~for diagram~~ in his or her professional capacity for a purpose related to the public school; or

(2) Any other person or governmental entity if necessary for a purpose related to the public school.

2. A person or governmental entity to which a blueprint ~~for diagram~~ is disclosed pursuant to this section shall not disclose the blueprint ~~for diagram~~ except pursuant to the provisions of NRS 239.0115.

3. As used in this section, "public safety agency" means:

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

(b) A law enforcement agency as defined in NRS 277.035; or

(c) An emergency medical service.

Sec. 3. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The principal or other person in charge of a private school or his or her designated representative shall provide a copy of the most current blueprint of the school ~~for a diagram of the most current layout of the school~~ to a public safety agency upon its request.

2. A public safety agency to which a blueprint ~~for diagram~~ is disclosed pursuant to this section shall not disclose the blueprint ~~for diagram~~ except pursuant to the provisions of NRS 239.0115.

3. As used in this section, "public safety agency" has the meaning ascribed to it in section 2 of this act.

Sec. 4. NRS 394.1698 is hereby amended to read as follows:

394.1698 A plan developed pursuant to NRS 394.1687 or updated pursuant to NRS 394.1688, a deviation and any information submitted to a development committee pursuant to NRS 394.1691 and a deviation approved pursuant to NRS 394.1692 are confidential and, except as otherwise provided in NRS 239.0115, 388.253 and 394.168 to 394.1699, inclusive, and section 3 of this act, must not be disclosed to any person or government, governmental agency or political subdivision of a government.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,

200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130,

665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and sections 2 and 3 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 6. This act becomes effective upon passage and approval.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 547 to Senate Bill No. 57 removes diagrams of the school from the provisions of the bill.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 224.

Bill read third time.

The following amendment was proposed by Senator Ratti:

Amendment No. 430.

SUMMARY—~~Provides for the confidentiality of certain information in the records and files of public employee.~~ Revises provisions relating to public retirement systems. (BDR ~~(19-598)~~ 23-598)

AN ACT relating to public ~~(records);~~ retirement systems; providing for the confidentiality of certain information; ~~[in the records and files of public employee retirement systems;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Public Employees' Retirement Board is required to administer the Judicial Retirement System, the Legislators' Retirement System and the Public Employees' Retirement System. (NRS 1A.100, 218C.150, 286.120) Existing law makes the official correspondence and records of those public retirement systems, other than the files of individual members, public records. (NRS 1A.100, 218C.200, 286.110)

Under existing law, a record of a governmental entity is public and open to inspection unless the confidentiality of the record or the information in the record is specifically provided for by law. (NRS 239.010) ~~Existing law also makes the official correspondence and records of certain public retirement systems, other than the files of individual members, public records. (NRS 1A.100, 286.110)~~

Section 1 of this bill generally makes information about a current or former member of a public retirement system ~~[, retired public employee, retired justice or judge, retired Legislator or beneficiary of a public retirement system]~~ administered by the Public Employees' Retirement Board, or a beneficiary of such a member, confidential. Section 1 further provides, however, that the following information relating to such a current or former member ~~[, retired employee, retired justice or judge or retired Legislator]~~ which is contained in a record or file in the possession, control or custody of ~~the public retirement system]~~ the Board is a public record: (1) the identification number of such a person; (2) the last public employer of the person; (3) the number of years of service credit such a person has with ~~the~~ the public retirement system; (4) the retirement date of the person; (5) the amount of annual pension benefit paid to the person; and (6) whether the person is receiving a disability or service retirement allowance.

Section 1 also prohibits ~~[, with limited exceptions, a person or governmental entity that possesses or has legal custody or control of a record or file with any information that is confidential pursuant to this bill from disclosing the information or producing the record or file for inspection. Section 1 further~~

~~provides that such a person or governmental entity must not be required to disclose the information or produce the record or file for inspection by a person or for use in a judicial proceeding.]~~ the Board from disclosing confidential information about a member or beneficiary to a third party unless: (1) the disclosure is necessary for the Board to carry out its duties; and (2) the Board executes a confidentiality agreement with the third party before providing the third party with any confidential information. Sections 2-6 of this bill make conforming changes.

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

Delete existing sections 1 through 7 of this bill and replace with the following new sections 1 through 7:

Section 1. Chapter 286 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, all information about a current or former member of a public retirement system administered by the Board, or a beneficiary of such a member, which is contained in a record or file in the possession, control or custody of the Board is confidential regardless of the form, location and manner of creation or storage of a record or file containing the information.

2. The following information about a current or former member of such a public retirement system which is contained in a record or file in the possession, control or custody of the Board is a public record:

- (a) The identification number of the current or former member;
- (b) The last public employer of the current or former member;
- (c) The number of years of service credit the current or former member has with the public retirement system;
- (d) The retirement date of the current or former member;
- (e) The amount of annual pension benefit paid to the current or former member; and
- (f) Whether the current or former member receives a disability retirement allowance or a service retirement allowance from the public retirement system.

3. The Board may only disclose information made confidential pursuant to subsection 1 to a third party if:

- (a) Such disclosure is necessary for the Board to carry out its duties; and
- (b) The Board executes a confidentiality agreement with the third party before providing the third party with any confidential information.

4. As used in this section "identification number" means the unique number assigned by the public retirement system to the record or file of each current or former member or beneficiary of such a member.

Sec. 2. NRS 286.110 is hereby amended to read as follows:

286.110 1. A system of retirement providing benefits for the retirement, disability or death of employees of public employers and funded on an actuarial reserve basis is hereby established and must be known as the Public

Employees' Retirement System. The System is a public agency supported by administrative fees transferred from the retirement funds. The Executive and Legislative Departments of the State Government shall regularly review the System.

2. The System is entitled to use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration, but is not required to use any other service. The purpose of this subsection is to provide to the Board the necessary autonomy for an efficient and economic administration of the System and its program.

3. ~~[(The)]~~ Except as otherwise provided in section 1 of this act, the official correspondence and records ~~[, other than the files of individual members or retired employees,]~~ and, except as otherwise provided in NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The respective participating public employers are not liable for any obligation of the System.

Sec. 3. NRS 286.117 is hereby amended to read as follows:

286.117 ~~[(All)]~~ Except as otherwise provided in section 1 of this act, all records and files maintained for a member, retired employee or beneficiary may be reviewed and copied only by the System, the member, the member's public employer or spouse, or the retired employee or the retired employee's spouse, or pursuant to a court order, or by a beneficiary after the death of the employee on whose account benefits are received. Any member, retired employee or beneficiary may submit a written waiver to the System authorizing the representative of the member, retired employee or beneficiary to review or copy all such records.

Sec. 4. NRS 1A.100 is hereby amended to read as follows:

1A.100 1. A system of retirement providing benefits for the retirement, disability or death of all justices of the Supreme Court, judges of the Court of Appeals and district judges, and certain justices of the peace and municipal judges, and funded on an actuarial reserve basis is hereby established and must be known as the Judicial Retirement System.

2. The System consists of the Judicial Retirement Plan and the provisions set forth in NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, and 3.090 to 3.099, inclusive, for providing benefits to justices of the Supreme Court, judges of the Court of Appeals or district judges who served either as a justice of the Supreme Court or district judge before November 5, 2002. Each justice of the Supreme Court, judge of the Court of Appeals or district judge who is not a member of the Public Employees' Retirement System is a member of the Judicial Retirement System.

3. ~~[(The)]~~ Except as otherwise provided in section 1 of this act, the official correspondence and records ~~[, other than the files of individual members of the System or retired justices or judges,]~~ and, except as otherwise provided in

NRS 241.035, the minutes, audio recordings, transcripts and books of the System are public records and are available for public inspection. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to NRS 241.035.

4. The System must be administered exclusively by the Board, which shall make all necessary rules and regulations for the administration of the System. The rules must include, without limitation, rules relating to the administration of the retirement plans in accordance with federal law. The Legislature shall regularly review the System.

Sec. 5. NRS 1A.110 is hereby amended to read as follows:

1A.110 ~~(A)(1)~~ *Except as otherwise provided in section 1 of this act, all records and files maintained for a member of the System, retired justice or judge, justice of the Supreme Court, judge of the Court of Appeals or district judge who retired pursuant to NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive, or the beneficiary of any of them may be reviewed and copied only by the System, the member, the Court Administrator, the board of county commissioners if the records concern a justice of the peace or retired justice of the peace whom the board of county commissioners allowed to participate in the Judicial Retirement Plan pursuant to NRS 1A.285, the city council if the records concern a municipal judge or retired municipal judge whom the city council allowed to participate in the Judicial Retirement Plan pursuant to NRS 1A.285, the spouse of the member, or the retired justice or judge or his or her spouse, or pursuant to a court order, or by a beneficiary after the death of the justice or judge on whose account benefits are received pursuant to the System. Any member, retired justice or judge, justice of the Supreme Court, judge of the Court of Appeals or district judge who retired pursuant to NRS 2.060 to 2.083, inclusive, 2A.100 to 2A.150, inclusive, or 3.090 to 3.099, inclusive, or beneficiary may submit a written waiver to the System authorizing his or her representative to review or copy all such records.*

Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105,

217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,

679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, section 1 of this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 7. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 430 to Senate Bill No. 224 removes the proposed policy from the public records chapter and puts it into the PERS chapter. It makes no other changes to the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 370.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 370 requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid and the Children's Health Insurance Program a requirement that the State pay the nonfederal share of expenditures incurred for the screening and treatment of Fetal Alcohol Spectrum disorders for children who are diagnosed as FAS and covered by the State program. I urge its passage.

Roll call on Senate Bill No. 370:

YEAS—21.

NAYS—None.

Senate Bill No. 370 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 403.

Bill read third time.

The following amendment was proposed by Senator Denis:

Amendment No. 579.

SUMMARY—Revises provisions relating to data privacy for pupils.
(BDR 34-309)

AN ACT relating to education; requiring each public and private school to provide certain information to a pupil or the parent or legal guardian of a pupil before providing technology to a pupil or allowing a pupil to use a school service; revising provisions relating to school service providers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally controls the manner in which a school service provider may use the personally identifiable information of a pupil and prohibits a school service provider from engaging in targeted advertising. (NRS 388.292) "School service provider" is defined in existing law as a provider of certain Internet services, online services or mobile applications. (NRS 388.283, 388.284) Section 1 of this bill requires a public school, including a charter school and a university school for profoundly gifted pupils, to post certain information on the Internet website of the school before a pupil uses a school service of a school service provider. Such information must include a description of the laws governing school service providers, a list of the school service providers for the school, ~~in a copy of the~~ confirmation that each school service provider has a plan for the security of data established by the school service provider, any other actions taken by the public school, the school district, or the applicable governing body to protect the data of the pupils and the manner in which a person may report suspicious activity related to the use of a school service. Each school must also communicate the manner in which to locate the information at the beginning of each school year.

Section 2 of this bill revises the prohibition on targeted advertising by a school service provider to prohibit the school service provider from engaging in targeted advertising within its school service or on any other Internet website, online service or mobile application if the targeted advertising is based upon information gathered from its school service. Section 2 also authorizes a school service provider to use the personally identifiable information of a pupil to perform certain research which is required or authorized by federal or state law. Section 3 of this bill authorizes a school service provider to use aggregated, deidentified information derived from the personally identifiable information of pupils to develop and improve the products of the school service provider.

Existing law requires a school service provider to establish a plan for the security of any data concerning pupils that is collected or maintained by the school service provider. (NRS 388.293) Section 2.5 of this bill requires the school service provider to inform a school district, charter school or university school for profoundly gifted pupils or a private school if there is a breach of the plan for the security of the data. Section 2.5 further requires a school that receives such notice to provide the notice to the pupils and the parents and legal guardians of pupils who are less than 18 years of age.

Sections 5-10 of this bill establish similar provisions for private schools.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *Before a public school, including, without limitation, a charter school and a university school for profoundly gifted pupils, allows a pupil to use any school service or provides a pupil with any technology, the public school must post on the Internet website of the public school information that:*

(a) Summarizes the laws governing school service providers set forth in this section and NRS 388.281 to 388.296, inclusive;

(b) Lists each school service provider for the school ~~and the~~ ;

(c) Confirms that each such school service provider for the school has created a plan for the security of any data concerning pupils, including, without limitation, covered information and personally identifiable information ~~, that is established by the school service provider~~ pursuant to NRS 388.293 ~~;~~

~~(e)~~ and informs about the circumstances under which notification will be provided if a breach is discovered;

(d) Describes any other actions taken by the public school, the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, to protect the security of any data collected by a school service provider, including, without limitation, covered information and personally identifiable information, concerning pupils; and

~~4~~ (e) Describes the manner in which a pupil or the parent or legal guardian of a pupil may report any suspicious activity relating to the use of a school service by a pupil.

2. At the beginning of each school year, each public school, including, without limitation, a charter school and a university school for profoundly gifted pupils, shall communicate to the pupils enrolled at the school and the parents and legal guardians of such pupils the availability of the information described in subsection 1 and the manner in which to locate the information.

3. As used in this section:

(a) "Covered information" means the personally identifiable information of a pupil or any information that is linked to the personally identifiable information of a pupil which is:

(1) Created by or provided to a school service provider by a pupil or the parent or legal guardian of a pupil through the use of a school service;

(2) Created by or provided to a school service provider by an employee of a public school, a school district or the governing body of a charter school; or

(3) Gathered by a school service provider from any other source and associated with the identity of a pupil.

(b) "Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

(c) "School service" has the meaning ascribed to it in NRS 388.283.

(d) "School service provider" has the meaning ascribed to it in NRS 388.284.

Sec. 2. NRS 388.292 is hereby amended to read as follows:

388.292 1. Except as otherwise provided in subsections 2 and 5, a school service provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil only:

(a) For purposes inherent to the use of a school service by a teacher in a classroom or for the purposes authorized by the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable, so long as it is authorized by federal and state law;

(b) If required by federal or state law;

(c) In response to a subpoena issued by a court of competent jurisdiction;

(d) To protect the safety of a user of the school service; or

(e) With the consent of any person required in a policy of the school district, charter school or university school for profoundly gifted pupils, as applicable, or, if none, with the consent of the pupil, if the pupil is at least 18 years of age, or the parent or legal guardian of the pupil if the pupil is less than 18 years of age.

2. A school service provider may transfer personally identifiable information concerning a pupil to a third-party service provider if the school service provider provides notice to any person designated in a policy of the

school district, charter school or university school for profoundly gifted pupils, as applicable, to receive such notice or, if none, to the pupil, if the pupil is at least 18 years of age, or the parent or guardian of the pupil and:

(a) Contractually prohibits the third-party service provider from using any such information for any purpose other than providing the contracted school services to, or on behalf of, the school service provider;

(b) Prohibits the third-party service provider from disclosing any personally identifiable information concerning a pupil unless the disclosure is authorized pursuant to subsection 1; and

(c) Requires the third-party service provider to comply with the requirements of NRS 388.281 to 388.296, inclusive ~~[-]~~, *and section 1 of this act.*

3. A school service provider shall delete any personally identifiable information concerning a pupil that is collected or maintained by the school service provider and that is under the control of the school service provider within a reasonable time not to exceed 30 days after receiving a request from the board of trustees of the school district in which the school that the pupil attends is located, the governing body of the charter school that the pupil attends or the governing body of the university school for profoundly gifted pupils that the pupil attends, as applicable. The board of trustees or the governing body, as applicable, must have a policy which allows a pupil who is at least 18 years of age or the parent or legal guardian of any pupil to review such information and request that such information about the pupil be deleted. The school service provider shall delete such information upon the request of the parent or legal guardian of a pupil if no such policy exists.

4. Any agreement entered into by a school service provider that provides for the disclosure of personally identifiable information must require that the person or governmental entity to whom the information will be disclosed abide by the requirements imposed pursuant to this section.

5. A school service provider shall not:

(a) Use personally identifiable information to engage in targeted advertising ~~[-]~~ *within the school service or on any other Internet website, online service or mobile application if the targeted advertising is based upon any information acquired from use of the school service.*

(b) Except as otherwise provided in this paragraph, sell personally identifiable information concerning a pupil. A school service provider may transfer personally identifiable information concerning pupils to an entity that purchases, merges with or otherwise acquires the school service and the acquiring entity becomes subject to the requirements of NRS 388.281 to 388.296, inclusive, *and section 1 of this act*, and any contractual provisions between the school service provider and the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, governing such information.

(c) Use personally identifiable information concerning a pupil to create a profile of the pupil for any purpose not related to the instruction of the pupil provided by the school without the consent of the appropriate person described in paragraph (e) of subsection 1.

(d) Use personally identifiable information concerning a pupil in a manner that is inconsistent with any contract governing the activities of the school service provider for the school service in effect at the time the information is collected or in a manner that violates any of the provisions of NRS 388.281 to 388.296, inclusive ~~[-]~~, and section 1 of this act.

(e) Knowingly retain, without the consent of the appropriate person described in paragraph (e) of subsection 1, personally identifiable information concerning a pupil beyond the period authorized by the contract governing the activities of the school service provider.

6. This section does not prohibit the use of personally identifiable information concerning a pupil that is collected or maintained by a school service provider for the purposes of:

- (a) Adaptive learning or providing personalized or customized education;
- (b) Maintaining or improving the school service;
- (c) Recommending additional content or services within a school service;
- (d) Responding to a request for information by a pupil;
- (e) Soliciting feedback regarding a school service; ~~[-]~~
- (f) *Performing research which:*

(1) *Is required by federal or state law; or*

(2) *Is authorized by federal or state law, is performed under the direction of a public school, school district or the Department and does not use any personally identifiable information concerning a pupil for any purpose relating to advertising or creating a profile of the pupil for any purpose not related to the instruction of the pupil; or*

(g) Allowing a pupil who is at least 18 years of age or the parent or legal guardian of any pupil to download, transfer, or otherwise maintain data concerning a pupil.

7. A school service provider that violates the provisions of this section is subject to a civil penalty in an amount not to exceed \$5,000 per violation. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 2.5. NRS 388.293 is hereby amended to read as follows:

388.293 1. A school service provider shall establish and carry out a detailed plan for the security of any data concerning pupils that is collected or maintained by the school service provider. The plan must include, without limitation:

- (a) Procedures for protecting the security, privacy, confidentiality and integrity of personally identifiable information concerning a pupil; and
- (b) Appropriate administrative, technological and physical safeguards to ensure the security of data concerning pupils.

2. A school service provider shall ensure that any successor entity understands that it is subject to the provisions of NRS 388.281 to 388.296, inclusive, *and section 1 of this act* and agrees to abide by all privacy and security commitments related to personally identifiable information concerning a pupil collected and maintained by the school service provider before allowing a successor entity to access such personally identifiable information.

3. *A school service provider shall provide notice to a school district, charter school or university school for profoundly gifted pupils, as applicable, or a private school pursuant to section 10 of this act, of any breach of the plan for the security of any data concerning pupils and any actions taken or being taken by the school service provider to address the breach. The notice must be provided as soon as practicable and without unreasonable delay.*

4. *A school district, charter school, university school for profoundly gifted pupils or private school that receives a notice pursuant to subsection 3, shall provide the notice to each pupil affected by the breach or, if a pupil is less than 18 years of age, the parent or legal guardian of the pupil. The notice must be provided as soon as practicable and without unreasonable delay.*

Sec. 3. NRS 388.295 is hereby amended to read as follows:

388.295 A school service provider may use and disclose information derived from personally identifiable information concerning a pupil to demonstrate the effectiveness of the products or services of the school service provider, including, without limitation, for use in advertising or marketing regarding the school service, *and to develop and improve a school service or any other Internet website, online service or mobile application of the school service provider* so long as the information is aggregated or is presented in a manner which does not disclose the identity of the pupil about whom the information relates.

Sec. 4. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. *As used in sections 5 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 6. *"Covered information" means the personally identifiable information of a pupil or any information that is linked to the personally identifiable information of a pupil which is:*

1. *Created by or provided to a school service provider by a pupil or the parent or legal guardian of a pupil through the use of a school service;*
2. *Created by or provided to a school service provider by an employee of a private school or the governing body of a private school; or*
3. *Gathered by a school service provider from any other source and associated with the identity of a pupil.*

Sec. 7. *"Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.*

Sec. 8. 1. "School service" means an Internet website, online service or mobile application that:

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in private schools and is used at the direction of teachers and other educational personnel.

2. The term does not include:

(a) An Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to private schools;

(b) An internal database, system or program maintained or operated by a private school or the governing body of a private school;

(c) A school service for which a school service provider has:

(1) Been designated by the governing body of a private school as a school official pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g;

(2) Entered into a contract with the governing body of a private school; and

(3) Agreed to comply with and be subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, relating to personally identifiable information; or

(d) Any instructional programs purchased by the governing body of a private school.

Sec. 9. "School service provider" means a person that operates a school service, to the extent the provider is operating in that capacity.

Sec. 10. 1. Before a private school allows a pupil to use any school service or provides a pupil with any technology, the private school must post on the Internet website of the school information that:

(a) Summarizes the laws governing school service providers;

(b) Lists each school service provider for the private school and the plan for the security of any data concerning pupils, including, without limitation, covered information and personally identifiable information, that is established by the school service provider;

(c) Describes any other actions taken by the private school to protect the security of any data collected by a school service provider, including, without limitation, covered information and personally identifiable information, concerning pupils; and

(d) Describes the manner in which a pupil or the parent or legal guardian of a pupil may report any suspicious activity relating to the use of a school service by a pupil.

2. At the beginning of each school year, each private school shall communicate to the pupils enrolled at the school and the parents and legal guardians of such pupils the availability of the information described in subsection 1 and the manner in which to locate the information.

Sec. 11. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other administrative tasks that are necessary to carry out the provisions of this act and on ~~January~~ July 1, 2020, for all other purposes.

Senator Denis moved the adoption of the amendment.

Remarks by Senator Denis.

Amendment No. 579 to Senate Bill No. 403 revises the information to be disclosed concerning the information a school must provide prior to a student using a service provided by a school-service provider. The information must include that such a provider has a data-security plan, which provides for circumstances under which notification will be provided if a breach is discovered. The amendment also changes the effective date.

The reason this was needed is the original wording provided too much information for people who might want to do harm. This amendment provides that a provider only has to provide notification that there is a security plan, not the plan itself.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 431.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 554.

SUMMARY—Revises provisions relating to participation in organized retail theft. (BDR 15-1151)

AN ACT relating to crimes; revising provisions relating to the crime of participation in organized retail theft; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the crime of participation in organized retail theft may be committed by one or more persons who conduct a series of thefts of retail merchandise at one or more merchants in this State with the intent to return the merchandise for value or resell, trade or barter the merchandise for value. (NRS 205.08345) This bill provides that participation in organized retail theft may be committed by one or more persons who directly or indirectly engage in such conduct on the premises of a merchant or through the use of an Internet or network site in furtherance of organized retail theft with the intent to return the merchandise for value or resell, trade or barter the merchandise for value, in any manner, including, without limitation, through the use of an Internet or network site. This bill also revises the period of time, from 90 days to 180 days, for which the value of the property or services involved in the organized retail theft may be aggregated for purposes of determining the criminal penalty.

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

Section 1. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who ~~participates~~ *directly or indirectly engages*

in conduct in furtherance of organized retail theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of ~~90~~ 180 days is at least \$3,500 but less than \$10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

(b) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of ~~90~~ 180 days is \$10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than \$20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of ~~90~~ 180 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in the organized retail theft was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) "*Internet or network site*" has the meaning ascribed to it in *NRS 205.4744*.

(b) "Merchant" has the meaning ascribed to it in *NRS 597.850*.

~~(b)~~ (c) "Organized retail theft" means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, *either on the premises of a merchant or through the use of an Internet or network site*, in this State with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value ~~+~~ *in any manner, including, without limitation, through the use of an Internet or network site.*

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 554 to Senate Bill No. 431 changes the time period of an organized theft operation from 90 days to 180 days.

Amendment adopted.

The following amendment was proposed by Senator D. Harris:

Amendment No. 550.

SUMMARY—Revises provisions relating to participation in organized retail theft. (BDR 15-1151)

AN ACT relating to crimes; revising provisions relating to the crime of participation in organized retail theft; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the crime of participation in organized retail theft may be committed by one or more persons who conduct a series of thefts of retail merchandise at one or more merchants in this State with the intent to return the merchandise for value or resell, trade or barter the merchandise for value. (NRS 205.08345) This bill provides that ~~participation in the crime of organized retail theft may be committed by one or more persons who participate directly or indirectly engage in or engage in such conduct~~ conduct in furtherance of the organized retail theft. This bill further provides that the acts constituting organized retail theft may be committed on the premises of a merchant or through the use of an Internet or network site ~~in furtherance of organized retail theft~~ and with the intent to return the merchandise for value or resell, trade or barter the merchandise for value, in any manner, including, without limitation, through the use of an Internet or network site.

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

Section 1. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who participates directly or indirectly in or engages in conduct in furtherance of organized retail theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 90 days is at least \$3,500 but less than \$10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

(b) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 90 days is \$10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than \$20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in the organized retail theft was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(b) "Merchant" has the meaning ascribed to it in NRS 597.850.

~~[(b)]~~ (c) "Organized retail theft" means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, in this State with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value ~~[(1)]~~ in any manner, including, without limitation, through the use of an Internet or network site.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 550 to Senate Bill No. 431 clarifies that people who are participating in organized retail theft by clarifying that it is those who both participate directly and indirectly as well as those who engage in conduct in the furtherance of organized retail theft.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 433.

Bill read third time.

The following amendment was proposed by Senators Settlemeyer, Kieckhefer and D. Harris:

Amendment No. 556.

SUMMARY—Revises the provisions of the California-Nevada Compact for Jurisdiction on Interstate Waters. (BDR 14-439)

AN ACT relating to the California-Nevada Compact for Jurisdiction on Interstate Waters; revising and extending the provisions of the Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the California-Nevada Compact for Jurisdiction on Interstate Waters, an interstate agreement between the States of California and Nevada pursuant to which courts and law enforcement officers in either state have concurrent jurisdiction to arrest, prosecute and try offenders for certain prohibited conduct committed on Lake Tahoe or Topaz Lake. (NRS 171.077) Section 2 of this bill ~~[(1)]~~ extends the concurrent jurisdiction to ~~arrest, prosecute and try~~ investigate and arrest offenders ~~for certain prohibited conduct committed on the shoreline of Lake Tahoe or Topaz Lake; and~~

~~(2) grants concurrent jurisdiction to arrest offenders for certain prohibited conduct~~ on any land mass not more than 5 air miles from Lake Tahoe or Topaz Lake ~~for certain prohibited conduct committed on the body of water.~~ Section 2 provides that certain claims brought against officers or employees of the States of California or Nevada or an agency or political subdivision thereof are subject to the conditions and limitations on civil actions established by the state of that officer or employee. Section 4 of this bill provides that these changes become effective if the State of California enacts amendments to the Compact that are substantially identical.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 171.077 is hereby amended to read as follows:

171.077 The California-Nevada Compact for Jurisdiction on Interstate Waters is as follows:

ARTICLE I—Purpose and Policy

1. The Legislature finds that law enforcement has been impaired in sections of Lake Tahoe and Topaz Lake forming an interstate boundary between California and Nevada because of difficulty in determining precisely where a criminal act was committed.

2. *The Legislature declares that it is imperative for California and Nevada to maintain concurrent jurisdiction on Lake Tahoe and Topaz Lake to promote public safety.*

3. The Legislature intends that a person committing an act which is illegal in both states not be freed merely because neither state could establish that a crime was committed within its boundaries.

~~3.~~ 4. The California-Nevada Compact for Jurisdiction on Interstate Waters is enacted to provide for enforcement of the laws of this state with regard to certain acts committed on Lake Tahoe or Topaz Lake, on either side of the boundary line between California and Nevada.

ARTICLE II—Definitions

As used in this compact, unless the context otherwise requires, "party state" means a state which has enacted this compact.

ARTICLE III—Concurrent Jurisdiction

1. If conduct is prohibited by the party states, courts and law enforcement officers in either state who have jurisdiction over criminal offenses committed in a county where Lake Tahoe or Topaz Lake forms a common interstate boundary have concurrent jurisdiction to ~~arrest~~ :

(a) Arrest. prosecute and try offenders for the prohibited conduct committed anywhere on the body of water ~~for shoreline~~ forming a boundary between the two states ~~and concurrent jurisdiction to arrest~~ ;

(b) Investigate and arrest offenders ~~for the prohibited conduct committed~~ on any land mass not more than 5 air miles from Lake Tahoe or Topaz Lake for the prohibited conduct committed anywhere on the body of water forming a boundary between the two states.

2. This compact does not authorize:

(a) Prosecution of any person for conduct which is lawful in the state where it was committed.

(b) Any conduct prohibited by a party state.

3. *If any claim, including, without limitation, a counterclaim or a cross-claim, is brought in a civil action which is filed in a party state and which is:*

(a) Brought against a present or former law enforcement officer or employee of the other party state or an agency or political subdivision of the other party state; and

(b) Based on any alleged act or omission that is related to the official duties or employment of the present or former officer or employee and conducted under the authority of this compact,

↳ the claim is subject to the conditions and limitations on civil actions, including, without limitation, the provisions regarding sovereign immunity, established by the party state in which that officer or employee is or was an officer or employee.

ARTICLE IV—Ratification

This compact is ratified by enactment of the language of this compact, or substantially similar language expressing the same purpose, by the State of California and the State of Nevada.

Sec. 3. The Secretary of State shall transmit a certified copy of this act to the Governor of the State of California, and two certified copies of this act to the Secretary of State of the State of California for delivery to the respective houses of its Legislature. The Director of the Legislative Counsel Bureau shall transmit copies of this act to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation.

Sec. 4. 1. This section and section 3 of this act become effective on July 1, 2019.

2. Section 2 of this act becomes effective upon proclamation by the Governor of this State of the enactment by the State of California of amendments that are substantially similar to the Compact contained in section 2 of this act.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

The original amendment to Senate Bill No. 433, had some issues. The Senator from District 11 worked with us to address those concerns. The Senator from District 16 and I were concerned because of the way we read that amendment, it would have allowed individuals from other states to give tickets to Nevadans who were solely on their own private property. We found this problematic, and we thank her for helping us address that problem.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS
SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bill No. 358.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to Katrina McEntee and Ella Riley.

On request of Senator Scheible, the privilege of the floor of the Senate Chamber for this day was extended to Jack Alvarado, Emily Giglio-Lee, Susan Lee and Zachery Vader.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Ashley Campbell, Layla Campbell, Calvin Campbell and Elliotte Campbell.

Senator Cannizzaro moved that the Senate adjourn until Monday, April 22, 2019, at 10:00 p.m.

Motion carried.

Senate adjourned at 5:34 p.m.

Approved:

KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate