THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 29, 2019

Senate called to order at 3:14 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by Senator Moises Denis.

Our Heavenly Father, this afternoon as we gather together for our Floor Session, we are grateful for this opportunity to serve, and we are grateful for the wonderful people that support us: our staff, our assistants, all of those who are here to advocate for a better State of Nevada. We are grateful for our families and our friends and those who support us as we serve here, for the sacrifices we make and that they help us in this. We are grateful, Father, for the good people of Nevada who are trying to live their lives each and every day to do better, many of them struggling, many of them doing the best that they can with what they have. We ask that we will be able to be mindful of them, be mindful of our families, be mindful of the opportunity we have here to make a difference in people's lives.

We ask You to please bless us as we are in the final days of our Session, that Thy Spirit may be here with us, that a Spirit of love and kindness and cooperativeness can be here as we work to finish out the Session and finish the legislation we have been working on. We are so grateful for this opportunity we have had in our lives to serve. Help us that we can have our health and strength as we finish out these last few days.

Bless those who have lost dear ones and their families and their friends that they can be comforted.

Help us to remember the things that Thou have taught us, to love one another as Thou have loved us. May we have a great experience this day in all things that we do.

We say these things in the Name of Jesus Christ.

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 Finance, to which was referred Senate Bill No. 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 69, 89, 98, 313, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 28, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 204, 523, 524; Assembly Bill No. 414.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 68, 223, 319, 506.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 502, Amendment No. 996, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 695 to Assembly Bill No. 15; Senate Amendment No. 835 to Assembly Bill No. 50; Senate Amendment No. 726 to Assembly Bill No. 60; Senate Amendment No. 909 to Assembly Bill No. 66; Senate Amendment No. 806 to Assembly Bill No. 112; Senate Amendment No. 805 to Assembly Bill No. 166; Senate Amendment No. 742 to Assembly Bill No. 232; Senate Amendment No. 809 to Assembly Bill No. 244; Senate Amendment No. 839 to Assembly Bill No. 282; Senate Amendment No. 728 to Assembly Bill No. 286; Senate Amendment No. 769 to Assembly Bill No. 288; Senate Amendment No. 856 to Assembly Bill No. 298; Senate Amendment No. 892 to Assembly Bill No. 299; Senate Amendment No. 696 to Assembly Bill No. 301; Senate Amendment No. 800 to Assembly Bill No. 303; Senate Amendment No. 826 to Assembly Bill No. 307; Senate Amendment No. 745 to Assembly Bill No. 317; Senate Amendments Nos. 674, 861 to Assembly Bill No. 353; Senate Amendments Nos. 852, 889 to Assembly Bill No. 378; Senate Amendment No. 791 to Assembly Bill No. 400; Senate Amendments Nos. 906, 907 to Assembly Bill No. 416; Senate Amendment No. 730 to Assembly Bill No. 429; Senate Amendments Nos. 704, 896 to Assembly Bill No. 492; Senate Amendment No. 836 to Assembly Joint Resolution No. 1; Senate Amendments Nos. 798, 884 to Assembly Joint Resolution No. 2.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 68.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 223.

Senator Ratti moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 319.

Senator Ratti moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 414.

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

Motion carried.

Assembly Bill No. 506.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 380.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 380 makes a $1-million appropriation to the Small Business Enterprise Loan Account created pursuant to NRS 231.14095 and administered by the Governor's Office of Economic Development. The appropriation is intended to assist small businesses in growing.

Roll call on Senate Bill No. 380:

YEAS—21.

NAYS—None.

Senate Bill No. 380 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 501.

Bill read third time.

Remarks by Senators Woodhouse, Settelmeyer, Ratti, Brooks, Kieckhefer, Hansen and Pickard.

SENATOR WOODHOUSE:

Senate Bill No. 501, makes a $1-million General Fund appropriation to the Interim Finance Committee for allocation to the National Atomic Testing Museum in Las Vegas, Nevada, to fund the cost of planning purposes to relocate the Museum to a new location. The nonprofit must provide proof satisfactory to the Committee an equal match of funding has been committed prior to allocation, as well as submit certain reports on expenditures to the Interim Finance Committee. Any remaining balance of the allocation must not be committed for expenditure by the Museum after June 30, 2021.

SENATOR SETTELMEYER:

I appreciate the concept of Senate Bill No. 501, but this is an appropriation outside the Governor's Executive Budget. These funds should be reserved for education and things of that nature rather than to help a discussion of moving a museum. For that reason, I do not support this bill.

SENATOR WOODHOUSE:

The National Atomic Testing Museum in Las Vegas is a hub for student field trips in the Clark County School District and an incredible site for visitors to Las Vegas. It is an educational opportunity for our students and our community. I urge your support.

SENATOR RATTI:

The money available to allocate comes in two forms: one-shot monies and ongoing revenue. We have one-shot money that can be allocated to projects like this and allocating these funds to ongoing educational expenses would be fiscally irresponsible. This has been a standing guideline as we balance budgets at the State and the local city council level when I served there. We need to be careful about allocating one-shot revenue to ongoing expenses; that would not be a responsible thing to do. I support this bill.

SENATOR BROOKS:

I rise in support of Senate Bill No. 501. The Nevada Test Site and the Museum honor the history and sacrifices made by many brave Americans who dedicated their lives to protecting our Nation. They brought technology and families such as mine, who moved here 70 years ago, to work on these projects to defend our Nation. This bill has matching funds from private donors and a desirable piece of real estate in downtown Las Vegas given to it for the relocation. I rise in support of this bill and hope my peers do as well.

SENATOR KIECKHEFER:

I agree with my colleagues about operating funding and one-shot funding. If we are going to stick true to this, we should do so. We just put $33 million into Millennium Scholarships from one-shot money and $4.5 million into Promise Scholarships from the current funding balance. If we are going to do this, we should do it, but we should at least be consistent.

SENATOR HANSEN:

How much money is available in one-shot appropriations? We have discussed the Governor's recommended budget, and how much is available above this budget? I will start voting against bills that are not in that budget. I am worried about where the money is coming from for the desirable things when we may be spending it on things that may not be the highest priority for the citizens of Nevada. What is the dollar amount not currently appropriated?

SENATOR PICKARD:

I agree we should be funding education on a consistent basis and not be relying on one-shot money. The Museum is an educational experience. I have been there many times with my kids and classes. It is an important part of Nevada history that can be experienced in a way not possible in a textbook. To suggest it is inappropriate to use one-shot money is consistent with my beliefs. We need to be consistent on this. I am in support of this bill, but I hope we can get an answer to the question of how much revenue is available. This is important to know if we are to be spending above the GOVREC level. We need to know how much we have in the bank account before we spend it dry.

Roll call on Senate Bill No. 501:

YEAS—14.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Seevers Gansert, Settelmeyer— 7.

Senate Bill No. 501 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 543.

Bill read third time.

Remarks by Senators Woodhouse, Denis, Settelmeyer, Kieckhefer, Goicoechea, Hardy, Cannizzaro, Hammond, Seevers Gansert, Dondero Loop and Spearman.

SENATOR WOODHOUSE:

Senate Bill No. 543 would replace the current Nevada Plan funding formula and categorical funding for K-12 education with the Pupil-Centered Funding Plan beginning in the 2021-2023 biennium. The bill would create the State Education Fund that would include all State and local revenue currently provided for K-12 education. The bill makes conforming changes for the direction of State and local sources of revenues to the State Education Fund and the replacement of the Distributive School Account with the State Education Fund.

It authorizes the State Superintendent of Public Instruction to create one or more accounts in the State Education Fund for the purpose of administering federal funding; creates the Education Stabilization Account in the State Education Fund that would receive transfers from school districts ending fund balances that exceed 16.6 percent and remaining funds in the State Education Fund at the end of a fiscal year; requires the Legislature, after making a direct legislative appropriation to the State Education Fund, to determine the Statewide base per-pupil funding amount for each fiscal year of the biennium, and provides the intent of the Legislature that the Statewide base per-pupil funding amount should increase each year by not less than inflation.

It creates the 11-member Commission on School Funding that is required to provide guidance on the plan, monitor its implementation, make recommendations to the Governor and Legislature, review the Statewide base per-pupil funding amount and the multipliers for weighted funding,

identify a method to fully fund recommendations requiring more funding than appropriated in the immediately preceding biennium within ten years of the date of the recommendation, review the laws and regulations relating to education, and review and revise the cost adjustment factors for each county.

Senate Bill No. 543 requires the Legislature to appropriate the whole of the State Education Fund, less the money in the Education Stabilization Account or any account created by the Superintendent to receive federal money, in an amount determined to be sufficient by the Legislature to fund the: operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education; food service, transportation and similar services of the school districts; operation of each school district for all pupils generally through adjusted base per-pupil funding for each pupil enrolled in the school district; operation of each charter school and the university school for profoundly gifted pupils for all pupils generally through a Statewide base per-pupil funding amount for each pupil enrolled in such a school, with an adjustment for certain schools, and additional educational needs of English learners, at-risk pupils, pupils with disabilities and gifted and talented pupils through additional weighted funding for each such pupil.

The bill specifies that additional weighted funding be expressed as a multiplier to be applied to the Statewide base per-pupil funding amount and that a pupil who belongs to more than one category receive only the additional weighted funding for the single category with the highest multiplier; excludes additional weighted funding and up to 16.6 percent of a school district's ending fund balance from collective bargaining; establishes certain factors, such as necessarily small schools, small district, cost of living and cost of labor adjustments to create the adjusted base per pupil funding for each school district and certain charter schools, and authorizes the Commission on Education Funding to revise the method by which these adjustments are calculated in certain circumstances.

Senate Bill No. 543 requires each school district to account separately the adjusted base per-pupil funding received from the State Education Fund and deduct an amount of not more than the amount prescribed by the Commission on Education Funding for the administrative expenses of a school district. The bill also requires each public school to account separately for the adjusted base per-pupil funding and each category of weighted funding the school receives; requires weighted funding to be used for each relevant pupil to supplement the adjusted base per-pupil funding for the pupil and provide such educational programs, services or support as are necessary to provide the pupil a reasonably equal educational opportunity; and limits the use of weighted funding for at-risk pupils and English learners to certain services.

The bill requires the Governor, when preparing the Executive Budget, to reserve an amount of money in the State General Fund for transfer to the State Education Fund which is sufficient to fully fund certain increases in the amount of money in the State Education Fund if the Economic Forum projects an increase in State revenue in the upcoming biennium. If the Economic Forum projects a decrease in State revenue, the Governor is required to reserve an amount of money in the State General Fund sufficient to ensure that the amount of money transferred from the State General Fund to the State Education Fund does not decrease by a greater percentage than the projected decline in State revenues.

The bill requires the Governor to include in the Executive Budget recommendations for the Statewide base per pupil funding amount and the multiplier for each category of pupils. It authorizes the Governor, as part of the Executive Budget process, to recommend revisions to education funding or additional education funding but requires The Executive Budget to include a minimum amount of total funding for the State Education Fund based on the projections of the Economic Forum for the upcoming biennium. It creates the Commission on School Funding and prescribes its membership and duties.

The bill requires the Commission on School Funding to project the distribution of education funding for the 2019-2021 Biennium as if the Pupil-Centered Funding plan were in effect, compare that to the projection to the projected distribution of education funding for the 2019-2021 Biennium and make recommendations for the implementation of the Pupil-Centered Funding Plan to the Legislature and the Governor.

The bill requires the Governor to consider the recommendations of the Commission for an optimal level of school funding; authorizes the Governor to reserve an additional amount of money for transfer to the State Education Fund to fund any such recommendation, and provides

that all school districts would receive funding under the Pupil Centered Funding Plan that is not less than the amount of funding received in Fiscal Year 2020.

Senate Bill No. 543 requires revenue from a tax upon the net proceeds of all minerals that are apportioned to each school district to be deposited to the credit of the State Education Fund and deems that any such money be the first money appropriated as part of the adjusted base per- pupil funding and weighted funding to the county school district from which the money originated. Further requires that if the revenue from the tax upon net proceeds of minerals exceeds the adjusted base per-pupil funding or the weighted funding to be appropriated to a school district, the excess revenue must be transferred to the county school district from which the money originated and specifies the purposes for which the transferred money may be used.

The bill appropriates General Funds of $6,551,530 to the Interim Finance Committee for allocation to the Department of Education for implementation costs. I urge your support.

SENATOR DENIS:

I rise in support of Senate Bill No. 543. When we decide to run for office, we do it for a purpose. Before I was in the Legislature, I remember going to my first parent meeting when my daughter started kindergarten, the hope I had for what she would do with her life and questions about what I, as a parent, could do to make things better for her, her education and her life. My parents left the country in which they lived and came to this Country looking for something better for their family. We all want things to be better for our families, and I am grateful my parents had the foresight to come to this great Country. I am grateful I am a parent and not only had the opportunity to help my daughter, who was a kindergartener at the time, but also help my other four children and my five grandchildren.

Senate Bill No. 543 is an opportunity to make history for the State of Nevada. We have a system where education is funded in a way that was great, when it was created. In 1967 when it was created, the population of the State was 449,000; today, we have 480,000 students. There are more students today than people who lived in the entire State in 1967. We now have 3.12 million people who live in the State.

When we run, we say we are going to make education better for Nevada. Early on, I learned that in order to make things better, we need to adequately fund education. The biggest challenge when I looked at how to do this was a funding formula I could not quite grasp; I have spent hours trying to understand it. It has worked, and we have been able to continue to make it change. But, has it been the best for our children? That is the question I was asking myself when I started to work on this bill.

In the last year, the Senator on my right and I decided, even though we have been working on this our whole Legislative career, we were going to do something about it, whatever it took. We looked at the Augenblick Study—this was the second time we had done this— and found we were not funding education in a way that helped each one of our children. We have a system of equitably distributing money based on the number of students, but the money goes to a school district. In the Augenblick Study and in looking at categorical programs such as English Language Learners, students who qualify for free and reduced lunches, students in special education and others, we found we were not putting in extra money but were expecting amazing results. We were not giving these students what they needed to learn and to grow, and we were not giving teachers what they needed to teach our children.

In the past, we would talk to advocates for many hours. Advocates have a passion, but we determined we needed to start by looking at how we allocate funds. The Augenblick Study helped us do that. We worked with the Department of Education (NDE) who contracted with WestEd, an educational research group. In working with the Superintendent of Public Instruction, we got a report that told us we needed to do better in how we do this. We also got an outline of how to do this. We decided we would put together a plan and talked to the technical people who have worked in finance for many years and understood what we currently had. We had several all-day meetings with all school districts represented including the rural districts and charter schools. Senate Bill No. 543 is what came out of the Augenblick Study, those discussions and the other advocacy we have been doing in education.

We determined five things were important in developing this plan. The first is the plan needed to be transparent. Every time we discuss education funding in Nevada, I am asked how the money

is being spent. The Nevada Plan is difficult to explain; the formula is being run on a series of spreadsheets that are sometimes hard to understand because the calculations are not always known. We have great people doing this, but it is difficult for us to explain this to our constituents.

The next was the plan needed to be student-centered, not county-, district- or even school-centered. It needed to meet the needs of the students and get the resources to them. It needed to address geographic diversity. We have one of the largest school districts in the County in Nevada, but we also have one of the smallest. That was not true in 1967. In 1967, the population was more evenly split. Today, we need to take this into consideration and do something that is fair to all students in all areas. The way we currently fund schools creates some inequities not only between districts of different sizes but between districts of the same size next to each other. We have one district that receives $40,000 per student. The district next door receives $10,000 per student. I cannot imagine the cost of living could change that much by traveling a couple of miles. We have a disparity there we needed to correct. We wanted to ensure whatever we did, if it was going to change how schools were funded, it would hold them harmless so they would not receive less money than they are getting today. We want them to continue, but we want to start the discussions on how we change this, make it better and adequately fund education. Last, we wanted to have a classroom focus and get resources into the classroom so students can have success.

Those are the ideas upon which Senate Bill No. 543 is based. All of the resources—and we have over 80 resources which go into education funding—get put into one place with this bill so we can see how much money we have. We sometimes figure we have $6,000 or $7,000 per student or ask if we count capital in education funding. In this process, we found we are spending $10,000 per student. We know we need to do more; the Augenblick Study helped us see what that is. By putting this in one place, we are able to see how much money we spend on education. When we get this to districts, we want to make sure the money gets down to the students. The plan provides for that.

Another issue related to making changes to the education system itself. In the past, we had to bring a bill or on occasion do a study. By the time it got to Session, it was so complicated we could not complete it during that Legislative Session. We wanted to have something we could bring to this Session that was ready to go and easier to understand. This bill provides a mechanism to adjust our funding based on the needs of the day or year. It creates a commission made up of technical experts. We are excluding advocates because this is not about advocating for something we want; it is about allocating money. People on this commission are those who understand cost of living indexes, adjustments for small schools and small school districts and the intricacies we have in our State to determine a fair system. This will allow us to look at what needs to happen and make those adjustments but will not take anything away from the Governor or the Legislature to make the ultimate decisions. We will be getting help from people who know this area and who work in this area and are part of this commission.

This gives us a guide related to supplanting and gives us the opportunity to fund education. If things are going well in Nevada, education funding will go up; if it goes down, we will adjust. We have the opportunity to see this and keep it consistent while creating a stabilization fund. In the last 10 or 12 years when the economy has gotten bad, so has funding for education and it has made it hard to do the things we needed to do. It may not be the entire State that suffers at the same time, it may only be one or two counties. By providing a method to set aside money for the difficult times, we will have a fund to help them get through. This is important.

This is a large undertaking. Some have asked why we waited so long to bring forward this legislation. We began drafting this with our Legal staff in November and December. It has been worked on and revised many times. We had lists of items we worked on, checked off and continued to revise. The Legal department, Fiscal staff and policy staff were part of these discussions so when we were ready to draft this bill, we were all on the same page. I appreciate going through this process, as I am not sure we have ever gone through that process with legislation this complicated. Sometimes, it takes two or three Sessions to get to the point we arrived at with this bill in one year. It may not be perfect, but we have the opportunity to put something in place for the next two years and look at it. We can see how it is working and make adjustments. We can then start the new funding formula moving forward.

Today is a historic day for our State. We will look back on this day and know we made a difference in the lives of our children because we put something in place to allow us to provide resources and talk about how we fund education, and at what levels, in the State of Nevada. Due to this new funding formula, it will help us be on the same page because we will all understand how funding is done.

This is a personal thing for me. We all want to make a difference. I know we do important things here, but this is one of the things that will change people's lives for generations. We know our children are our future. This will start something that will help us as we move forward. I urge your support.

SENATOR SETTELMEYER:

We have heard many discussions about school funding, and I applaud my colleague from District 2 for taking the time to go over this subject. I agree with many of the aspects of this bill, such as the weighted student funding formula and the concept of a fund for a rainy day, but I am afraid in the future these funds may be available for collective bargaining. Representing rural counties, I look at the needs of those children and the funds that are potentially being swept from those areas. If this goes into effect, $1.5 million could be taken from Storey County that has a school of only 150 students. There are times in rural communities where inflation is going down, but because a new mine or entity comes to town, there is an opportunity to have those funds available to use for the new students. This bill will create a bit of a freeze. Douglas County has had a consistent increase in population for at least 25 years but has had a decline in school population for at least 20 years. I helped pass a school bond for those children because I knew there was a need. This was difficult because of the number of retirees in the area. These bonds generally fail three times before they pass.

Some counties do pay-as-you-go. I appreciate the amendments added to the bill, but I am not sure they will protect the capital improvement projects in those counties because they have no ability to get more in their tax rate. They are at the maximum on their property tax rate, so being able to come back and get a bond is not an option for them. I have asked for the variables as to what each small school would get. Great work was done on this bill by putting in that small schools and small districts cost more due to economies of scale. I have asked for these numbers and have not received them; I would like to see the current rates. I cannot vote for a bill that states we are going to develop something and we will see it when it is completed.

This bill also makes changes to transportation, which would not come off the top. School districts have been consistent in trying to save funds related to transportation, stating students can walk for a mile or whatever seems reasonable in the district. If the variable is changed, districts may decide transportation does not need to be cost-managed because it comes off the top. For these reasons, I will be voting "no" on Senate Bill No. 543.

SENATOR KIECKHEFER:

There are many things I could point to in this bill as reasons to use to vote against it. There are things about which I have reservations, such as the structure of this body as an independent branch of government; the mandated maintenance of effort requirements and how we appropriate money and carving out specific revenues for specific purposes. In a way, this bill does these things, but in the end, this bill adequately and accurately reflects how we should distribute education funding going forward. In recent years, we have worked to close achievement gaps that are far too obvious by creating categorical programs to tackle specific problems. Those have been successful, and we should be proud of the work we have done. This bill is the next logical step in accomplishing the goals of closing the achievement gaps, giving every student the opportunity to succeed and truly elevating Nevada's educational system. This bill does not, however, address one of the foundational issues, that of how much we are distributing. That was never promised as part of this bill, and that is okay. What we need to recognize is this is a structure. The numbers presented to this Body, the committees and to community groups are projections based on budgetary projections from the Governor's recommended budget and assumptions about what the weights will be. They also include how we will calculate things like cost of living and how we will set small school and district adjustments. All of these decisions are yet to be made. We do not know what the output will be. This may be a frightening concept as we pass this bill, but we need to have faith in the process and need to believe the deliberative process that takes place in this

building will lead Legislators to make good decisions in future biennia on how we allocate these dollars to protect students. Today, I choose to have faith future Legislators will make those good decisions. We can all do that and vote "yes" on this bill.

SENATOR GOICOECHEA:

In 1967 I graduated from the school district having the highest per-pupil spending in Nevada today. In that year, Eureka County High School had six teachers, and the Superintendent taught English. It was not a good place to go to school. Grades K-12 were in one building which was built in 1928.

Senate Bill No. 543 freezes these rural districts at a level that concerns me. We have ridden the mining cycle for the last 50 years. I do not know if the bill addresses a situation where a down-turn occurs in the economy and a district like Elko with 10,000 students takes an $18 million hit because of the freeze. It appears it will be eight years before they hit parity with existing growth depending on student enrollment and the economy. All it takes is $900 gold for that to go in the tank. They would then not be able to supply the $10,000 per student in Elko. At that point, if they do not achieve the $10,000 per student, or the $40,000 in the case of Eureka County School District, would Senate Bill No. 543 come in and back-fill the decline in the rural counties? If we get a decline in mining, we may find this bill is not nearly as good as we thought it was.

I do not believe the people in Clark County will be happy about maintaining these levels. I appreciate the bill being brought forward, but I am afraid this "freeze and squeeze" will be hard on the rural school districts who are dependent on mining and that cycle. They will not have the opportunity to build in the good times and struggle through the bad. I will oppose this bill.

SENATOR HARDY:

There are children in my family who say, "That's not fair." As parents, we say, "Life's not fair." This bill addresses fairness, or what could be called fairness, where Clark County—the engine of the economy of Nevada—has been the contributor to fairness for those who are not as gifted in economic benefit as others in this State. We look at education, roads, universities, agencies, employees and other things, and Clark County drives the State. It is ironic that a funding formula has no funds attached to it even though we have had an economic boom.

Years ago, I went to Moapa Valley High School, and on the football field, I noticed it was not very light. The coach informed me people in rural areas of Clark County can see better at night than those in the urban areas of Clark County; who knew? This bill is an experiment on more than funding; it is an experiment on teacher retention and recruitment as well. If in funding year 2020 Nevada transitions from its current funding formula to the student-centered model, the impact would be significant in White Pine County. This is an understatement. This county would lose $3.9 million. The next year they would recover $4 million. Teachers want to go somewhere they can continue teaching and being paid. I wonder if anyone in White Pine County looks at this and plans to go somewhere else to teach? We have problems recruiting teachers throughout the State, but in the rurals, it becomes more problematic. Three counties would gain under this bill and 14 counties would lose; that is the reality. It is a noble experiment and is worth looking at as an experiment. It is worth recognizing, as we have another Legislative Session in two years. At that time, we can consider this as an experiment and determine how it worked. I will be supporting the bill and have hope, more than faith, that it will work in fairness for all people. I hope I never have to say I told you so regarding this bill.

SENATOR CANNIZZARO:

My colleague from District 12 mentioned fairness and that strikes me as part of this bill. My mom was a waitress, my dad was a bartender and neither of them graduated from high school. A kid like me only had a chance if it was fair enough for me to attend public school and get an education. I was lucky enough to have that opportunity. I went to Vegas Verdes Elementary School, J M Ullom Elementary School, Woodbury Middle School and graduated from Chaparral High School in Clark County, Nevada. When we talk about fairness, we have to think about the kids who are attending those institutions and where they may be in the future; the changes they will make in their communities and the opportunities we are giving to them. To me this is exceedingly personal and exceedingly important.

Being in this position and having listened to the amazing work for which I have to commend my colleagues, the idea we sometimes spend $40,000 per pupil and other times $7,000 per pupil does not resonate as fair. This is where we deny opportunities to students just like me who went to school and hoped for opportunity. That is much of what this bill is about. It is about ensuring we know when we put money into education, it goes to students, and they get the kind of education I was so lucky to get. It is ensuring when we say we are going to put dollars to education, we know where those dollars are; where they are coming from in the budget and where they are going. It says we know when we spend those dollars we have accountability. You see that built into this bill.

This bill sets up a commission to ensure we take a look at education funding to ensure we do not just syphon money and hope it reaches students, teachers and classrooms and create opportunities and fairness. It ensures we know exactly where those dollars are going. This is critical. One of the beautiful pieces built into this bill is it allows us to evaluate what funding will look like over the next biennium. It does not say how we are going to operate, period, end of story. Changing something as critical, important and historic as the funding formula does not happen overnight and is not something we can take lightly. It is important this bill allows us to take a chance to evaluate and watch where those dollars go and to make adjustments so this system will work for every student.

It has been mentioned there are no funds attached to this bill. This is true. As we know in this building, no one bill will address every function of every issue we have. This bill provides a structure to ensure that in the future, money goes where it needs to go. Without the structure, it is immaterial how much money we might put to education. If we cannot ensure it is going to make a difference, create fairness or create opportunity, we are just spinning our wheels. You would be hardpressed to find someone who would not agree the way we currently fund education needs serious reform. This is an opportunity to do that. It is an opportunity with reflection and one that will allow us to make smart decisions. That is why I stand in support of this bill. There are a number of bills that have dealt with facets of education funding, and there are still bills to be heard on this topic. This is not meant to address that issue. This is meant to allow us to take a look at where the funds are going. We owe this to kids who rely on the opportunity of education to make a difference in their lives. I urge my colleagues support.

SENATOR HAMMOND:

It is not hard to have faith in this bill. It is not hard to have faith in something a bit different from what we currently have. Our current formula is poorly constructed and difficult to follow. I am not sure it is accomplishing the task it set out to do many years ago. In my second Session here, I was talking to the former Speaker, Ms. Kirkpatrick, about the funding formula. She told me she could help me understand the funding formula if I had a day. I told her I had between 2 p.m. and 4 p.m. on Tuesday. She told me she meant the entire day and that would provide a good start. I understood, then, what she meant. It was difficult to follow the revenue streams and how funds were allocated. This bill clarifies that; you can see where the money stream goes and the transparency spoken of earlier by the Senator from District 2 when he discussed the goal of the bill.

I am somewhat shaken by the process. The goal is worthy, but only a handful of people saw the bill before it was introduced in this Legislative Body. We had a lengthy hearing on it but had no input or ability to make changes to what might have been seen as potential problems with the bill. That seems antithetical to what we try to accomplish in this building where we normally try to vet-through important policy issues, this being one of the biggest ones we will see as a Body. I still believe the goal is worthy. We are looking at student-centered funding and ensuring each student gets the right amount of money to achieve an education.

Being a parent of four children, I know each child is different. The learning needs of each child is different, and sometimes, you need to spend a little more time, effort and money on certain students. My youngest child needs a little more help; we do more reading with her to make sure she can speak well and understand concepts when we read them aloud. I understand this, and this bill achieves this by making sure there are different buckets of money and that the money follows each child this bill.

I am a worried about students who qualify for multiple types of funding. For example, if a student qualifies for $200 for special education and is also an English Language Learner (ELL), which qualifies for an additional $100, they are only given the top level of funding. I hope we can correct that as we go forward. Every student should get the extra dollars they need according to the learning needs they have. That is where the faith comes back in, and that is what I hope we achieve going forward; every child gets every dollar, and the dollars follow the child wherever they go. I still have a dream, and that dream is that a child and his or her parents will be able to go to whatever learning environment they feel most comfortable to be educated, and those dollars will travel with them. I hope this bill is a vehicle to help us get closer to that. I appreciate the bill for what it achieves in that area and for the idea it is student-center funding. For those reasons, I will support it.

SENATOR SEEVERS GANSERT:

I rise in support of Senate Bill No. 543. I want to thank my colleagues from Districts 2 and 5 for their work on this bill. This formula will bring greater transparency to funding for education. The current formula is too complex for people to understand and, therefore, lacks accountability. Student-centered funding started with students with disabilities, but we changed how we funded ELL students with the Zoom and Victory schools. Those were categorical programs, and we had more accountability for the funding at those schools, which is important. We used to receive booklets about education, and in those booklets, there were outcomes about how students did in fourth, seventh and eleventh grades. Those booklets eventually became about money, not about student outcomes. Most of the discussion today has been about money, where it is going and whether it is following the students. That is critically important. But, on the back end, we need accountability, and we need to recognize outcomes. Once we change this formula and have the weights, we need to determine if they are effective. If we need to change them, we need to do so.

I appreciate the new formula will run concurrent with the current formula because we may need to make adjustments. We had to take a leap of faith when we re-did the higher education funding formula which passed in 2013. This Body has made adjustments to that formula for the community colleges and for STEM education. I have faith this Body can be nimble and adjust the formula to ensure the rural counties get extra funding if they need it, and that certain students such as ELL students or those with disabilities are weighted differently based on outcomes. I want to make sure we have trailer legislation looking at outcomes because we are making a significant revision to our funding formula. I look forward to examining the outcome of this concurrent formula as we move forward to the next Session. I support this bill.

SENATOR DONDERO LOOP:

I rise in support of this bill. I have heard a lot of discussion about the formula and faith, but I want to speak about being a teacher and the kids I taught. I had kids who did not have shoes, and I had kids whose parents owned the shoe store. I had kids, like our Majority Leader, whose parents served the food, and I had kids whose parents owned the restaurants. All of those kids had different needs. Sometimes, the kids whose parents owned the shoe store needed just as much help as those who did not have the shoes. I taught thousands of kids over the years, and I bought those kids shoes. I bought things for the classroom as well. I have been in every county in the State and almost every school. My dad was a long-time educator. He was hired out of the University of Nevada, Reno, by the Lt. Governor Mark Frasier to teach in Las Vegas. He came to Carson City and worked at the Department of Education and then returned to Las Vegas. I am sure, that in 1967 when he helped develop the education funding plan for students, he did what he thought was right for students. I know that to be true 100 percent because I know my dad and because I know every educator feels that way in their heart. This Nevada State Education Funding Plan is student-centered. We all need to remember the students. I thank the Senators from Districts 5 and 2 for their hard work and hope you will all support this bill and the students, teachers and families we all have.

SENATOR SPEARMAN:

Sometimes we get so focused on perfect we fail to realize to appreciate the relevance of good. We are talking about a system that has been in place for 50 years. It is calcified. It is almost rooted in impermeable rock. My colleagues from Districts 5 and 2 were not only courageous, but had

their hearts in the right place; they led with their hearts. Doing something like this requires you put not only yourself, but also your reputation on the line. I am sure social media is probably going crazy in both directions about this bill. It is easy to sit on the sidelines, but it is difficult when you put yourself out there. The bill may not be perfect, but it is much better than what we have.

My colleague from District 8 talked about children with no shoes and those whose families owned the shoe store. That is important for us to get. Sometimes, we look at a part of town and assume everyone there is doing well. Conversely, we look at another part of town and assume everyone there is not. When we make those assumptions, those who do not fit the mold do not get what they need. The fact that in this bill the money follows to the student is important. There are students in Summerlin who need the same special help as students who go to school on Cheyenne need. If the money does not follow the student, the student has to follow the money, and many times, that is an inconvenience.

After the 2013 or 2015 Session, Governor Sandoval revamped our revenue stream to try to put more money into education. Everyone said it was not a silver bullet, but we were not getting the revenue we needed to get a first-class system. Last Session, we passed bills about cannabis in the hope that money would help us get further down the road in funding education in the ways 21st Century education should be funded. I have a high school diploma, a master's degree in Divinity, a doctoral degree and two post-doctoral certificates, but when people asked me to explain where the marijuana money was going, it was like making myself into a pretzel. My colleague from District 2 said we are now doing education budgeting on a spreadsheet. This bill will allow us to digitize it so anyone can follow it transparently.

I have been here 15 years, and we talk about funding education every Session. Teachers were involved on this bill, and there were several town halls. I have also heard from teachers in my district, so it is disingenuous to say no teachers were involved. We need to have the courage to say that, after 50 years, we are going to put something in place that has the flexibility and the agility to not just make things better over the next two years, but, if we need to tweak things, these next two years will allow us to do so. If we need to change some things, we will do so.

Some of the arguments against doing this are sincere, but I respectfully disagree. The 2 school districts my colleagues referred to—one getting $10,000 and one getting $40,000—are not big districts located side by side. What is the difference in the cost of living? I do not think you can come up with one. We must pass this bill. It may not be perfect, but it is the right thing to do. It is historic. Five years from now, after we have tweaked and tuned this bill, when we look back and see what we have done this day, we will say it has been a pretty good day. I urge your support for this bill.

Roll call on Senate Bill No. 543:

YEAS—18.

NAYS—Goicoechea, Hansen, Settelmeyer—3.

Senate Bill No. 543 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 4:29 p.m.

SENATE IN SESSION

At 10:35 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Senate Bill No. 472 be taken from the General File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 505.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1012.

SUMMARY—Makes an appropriation to the Office of Finance for an adjustment to school districts affected by the district of residence issue. (BDR S-1173)

AN ACT relating to making an appropriation to the Office of Finance for an adjustment to school districts affected by the district of residence issue; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of ~~[$8,600,000]~~ $8,184,670 for an adjustment to school districts affected by the district of residence issue.

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

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1012 to Senate Bill No. 550 reduces the amount of the supplemental appropriation to the Governor's Office of Finance by $415,330 from $8.6 million to $8,184,670.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 69.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1005.

SUMMARY—Revises provisions relating to emergencies and cybersecurity. (BDR 19-350)

AN ACT relating to public safety; designating the month of October of each year as "Cybersecurity Awareness Month"; revising requirements relating to emergency response plans for schools, cities, counties and resort hotels; clarifying the authority of the Governor to call members of the Nevada National Guard into state active duty upon a request for assistance from certain governmental entities that have experienced a significant cybersecurity incident; requiring each city or county to adopt and maintain a cybersecurity incident response plan; ~~[requiring]~~ revising the duties of the Nevada Office of Cyber Defense Coordination of the Department of Public Safety ~~[to provide certain training and briefings and]~~ ; requiring the Office to submit a quarterly report to the Governor regarding cybersecurity; revising provisions relating to the disclosure of records by the Office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, various days, weeks and months of observance are recognized in this State. (NRS 236.018-236.073) Section 1 of this bill designates the month of October of each year as "Cybersecurity Awareness Month" in this State and requires the Governor to issue annually a proclamation encouraging the observance of Cybersecurity Awareness Month.

Existing law requires certain persons or entities to develop an emergency response plan for a school, a city or county, a resort hotel and a utility. (NRS 239C.250, 239C.270, 388.243, 394.1685, 463.790) Sections 3 and 8 of this bill standardize the requirements for emergency response plans for a city or county or resort hotel so that each such entity: (1) is required to annually review the plan and provide a copy of each updated plan to the Division of Emergency Management of the Department of Public Safety by a certain date; or (2) is authorized to submit a written certification in lieu of a revised plan if the plan has not changed. Sections 4 and 5 of this bill similarly require the board of trustees of a school district, the governing body of a charter school or the development committee of a private school to annually review and update an emergency response plan for the applicable school or schools and submit the plan to the Division by a certain date.

Section 8 additionally requires an emergency response plan developed by a resort hotel to include the name and telephone number of the person responsible for ensuring that the resort hotel is in compliance with the requirements in existing law relating to emergency response plans. In addition, section 8 requires the Nevada Gaming Control Board to provide a list of resort hotels to the Division upon request if the Board maintains such a list. Section 7 of this bill requires the Chief of the Division to provide notice to certain public officers or bodies regarding whether a person or entity the officer or body oversees has complied with the requirement that the person or entity annually submit a revised plan or, if applicable, a written certification. Section 7 also requires the Division to: (1) develop a written guide to assist a person or

governmental entity that is required to file an emergency response plan; and (2) provide the guide to certain persons or governmental entities that are required to file an emergency response plan.

Under existing law, the Governor is authorized to order the Nevada National Guard into active service of the State for invasions, disasters, riots and other substantial threats to life or property. (NRS 412.122) Section 6 of this bill provides specific authority to the Governor to call members of the Nevada National Guard into such active service upon a request for assistance from a political subdivision or governmental utility that has experienced a significant cybersecurity incident.

The Nevada Office of Cyber Defense Coordination is created under existing law in the Department of Public Safety. (NRS 480.920) The Office is required to perform a variety of duties relating to the security of information systems of agencies of the Executive Branch of State Government and to prepare and maintain a statewide strategic plan regarding the security of information systems in Nevada. (NRS 480.924-480.930)

Section 9 of this bill requires each city or county to adopt and maintain a cybersecurity incident response plan and file the plan with the Office . ~~[and the Division of Emergency Management.]~~ Section 9 requires each city or county to review this plan at least once each year and, on or before December 31 of each year, file with the Office : ~~[and the Division:]~~ (1) any revised plan resulting from the review; or (2) a written certification that the most recent plan filed is the current plan for the city or county. Section 9 also makes such plans confidential. Section 2 of this bill makes a conforming change.

Section 11 of this bill requires the Office to ~~[provide training on cybersecurity awareness to employees of agencies of the Executive Branch and requires those employees to complete such training once every calendar quarter. Section 11 also requires the Office to: (1) post and maintain on its website a list of countries that the Office determines to have a high risk of threats to the cybersecurity of visitors; and (2) provide briefings to employees of the Executive Branch who are scheduled to travel to such a country on state business relating to the safeguarding of their electronic devices and other equipment.]~~ : (1) develop procedures for risk-based assessments that identify vulnerabilities in the information systems that are operated or maintained by state agencies and any potential threats that may exploit such vulnerabilities; (2) based on the results of risk-based assessments, identify risks to the security of information systems that are operated or maintained by state agencies; and (3) develop best practices for preparing for and mitigating such risks.

Existing law requires the Office to establish partnerships with local governments, the Nevada System of Higher Education and private entities that have expertise in cyber security or information systems to encourage the development of strategies to protect the security of information systems. (NRS 480.926) Section 11.5 of this bill expands this requirement to include all private entities, to the extent practicable.

Existing law requires the Administrator of the Office to appoint a cybersecurity incident response team or teams to assist in responding to a threat to the security of an information system. (NRS 480.928) Section 11.7 of this bill provides that such a team may include an investigator employed by the Investigation Division of the Department of Public Safety.

Existing law requires the Office to prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State and for recovering from and responding to such threats. (NRS 480.930) Section 12 of this bill provides that the statewide strategic plan must not identify or include information which allows for the identification of specific vulnerabilities in the information systems in this State. Section 12 ~~[of this bill]~~ requires each agency of the State Government that has adopted a cybersecurity policy to: (1) test periodically the adherence of its employees to that policy; and (2) submit the results of the testing to the Office for consideration in the update of the statewide strategic plan. Finally, in addition to the annual report that the Office is required to submit in existing law regarding its activities, section 13 of this bill requires the Office to submit a quarterly report to the Governor assessing the preparedness of Nevada to counteract, prevent and respond to potential cybersecurity threats. (NRS 480.932)

Existing law provides that any record of a state agency, including the Office, or a local government which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed by the Administrator only to certain entities and only to protect the security of information systems or as a part of a criminal investigation. (NRS 480.940) Section 13.5 of this bill clarifies that a record obtained from a private entity may only be disclosed in these circumstances.

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

Section 1. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The month of October of each year is designated as "Cybersecurity Awareness Month" in this State.

2. The Governor shall issue annually a proclamation encouraging the observance of Cybersecurity Awareness Month. The proclamation may, without limitation:

(a) Call upon state and local governmental agencies, private nonprofit groups and foundations, schools, businesses and other public and private entities to work toward the goal of helping all Americans stay safer and more secure online;

(b) Recognize the danger that cybersecurity threats pose to the economy and public infrastructure of this State; and

(c) Recognize the importance of collaboration among the departments and agencies in this State, the federal government and the private sector to keep this State safe from cybersecurity threats and to protect the residents of this State in the digital domain.

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 section 9 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 239C.250 is hereby amended to read as follows:

239C.250 1. Each political subdivision shall adopt and maintain a response plan. Each new or revised plan must be filed within 10 days after adoption or revision with:

(a) The Division; and

(b) Each response agency that provides services to the political subdivision.

2. The response plan required by subsection 1 *and any revised response plan pursuant to subsection 3* must include:

(a) A drawing or map of the layout and boundaries of the political subdivision;

(b) A drawing or description of the streets and highways within, and leading into and out of, the political subdivision, including any approved routes for evacuation;

(c) The location and inventory of emergency response equipment and resources within the political subdivision;

(d) The location of any unusually hazardous substances within the political subdivision;

(e) A telephone number that may be used by residents of the political subdivision to receive information and to make reports with respect to an act of terrorism or related emergency;

(f) The location of one or more emergency response command posts that are located within the political subdivision;

(g) A depiction of the location of each police station, sheriff's office and fire station that is located within the political subdivision;

(h) Plans for the continuity of the operations and services of the political subdivision, which plans must be consistent with the provisions of NRS 239C.260; and

(i) Any other information that the Commission may determine to be relevant.

3. *Each political subdivision shall review its response plan at least once each year and, as soon as practicable after the review is completed but not later than December 31 of each year, file with the Division and each response agency that provides services to the political subdivision:*

(a) Any revised response plan resulting from the review; or

(b) A written certification that the most recent response plan filed pursuant to subsection 1 is the current response plan for the political subdivision.

4. Except as otherwise provided in NRS 239.0115, a plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the entities with whom it is filed pursuant to subsection 1 ~~[.]~~ *or 3.* An officer, employee or other person to whom the plan is entrusted by the entity with whom it is filed shall not disclose the contents of such a plan except:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) As is reasonably necessary in the case of an act of terrorism or related emergency; or

(c) Pursuant to the provisions of NRS 239.0115.

Sec. 4. NRS 388.245 is hereby amended to read as follows:

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

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

3. *On or before July 1 of each year, the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for approval to the Division of Emergency Management of the Department of Public Safety the plan updated pursuant to subsection 1.*

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

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

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

(c) Post a copy of NRS 388.229 to 388.266, inclusive, at each school in its school district or at its charter school;

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

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

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

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

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

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

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

(1) The Department;

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

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

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

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

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

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

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

Sec. 5. NRS 394.1688 is hereby amended to read as follows:

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

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

3. The governing body of each private school shall:

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

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

(c) Post a copy of NRS 388.253 and 394.168 to 394.1699, inclusive, at the school;

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

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

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

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

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

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

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

(1) The Department;

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

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

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

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

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

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

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

Sec. 6. NRS 412.122 is hereby amended to read as follows:

412.122 1. The Governor may in case of invasion, disaster, insurrection, riot, breach of the peace, or imminent danger thereof, or other substantial threat to life or property, *or upon a request for assistance from a political subdivision or governmental utility, as defined in NRS 239C.050, that has experienced a significant cybersecurity incident,* order into active service of the State for such a period, to such an extent and in such a manner as he or she deems necessary all or any part of the Nevada National Guard. The authority of the Governor includes the power to order the Nevada National Guard or any part thereof to function under the operational control of the United States Army, Navy or Air Force commander in charge of the defense of any area within the State which is invaded or attacked or is or may be threatened with invasion or attack.

2. In case of the absence of the Governor from the State, or if it is impossible to communicate immediately with the Governor, the civil officer making a requisition for troops may, if the civil officer deems the necessity imminent and not admitting of delay, serve a copy of the requisition, together

with a statement of the Governor's absence or the impossibility of immediately communicating with the Governor, upon the following officers in this order:

(a) Lieutenant Governor;

(b) Adjutant General; and

(c) Other officers designated in a chain of command prescribed by Office regulations.

➥ If the call is afterward disapproved by the Governor, the troops called into service must be disbanded immediately.

3. The Governor may order into active service of the State for such a period, to such an extent and in such a manner as the Governor deems necessary units or individual members of the Nevada National Guard when in his or her judgment the services of the units or members are required for:

(a) The furtherance of the organization, maintenance, discipline or training of the Nevada National Guard;

(b) The welfare of the public; or

(c) Ceremonial functions of the State Government.

4. Whenever any portion of the Nevada National Guard is employed pursuant to subsection 1, the Governor, if in his or her judgment the maintenance of law and order will thereby be promoted, may by proclamation declare the county or city in which the troops are serving, or any specified portion thereof, to be under martial law.

Sec. 7. NRS 414.040 is hereby amended to read as follows:

414.040 1. A Division of Emergency Management is hereby created within the Department of Public Safety. The Chief of the Division is appointed by and holds office at the pleasure of the Director of the Department of Public Safety. The Division is the State Agency for Emergency Management and the State Agency for Civil Defense for the purposes of the Compact ratified by the Legislature pursuant to NRS 415.010. The Chief is the State's Director of Emergency Management and the State's Director of Civil Defense for the purposes of that Compact.

2. The Chief may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his or her office within the appropriation therefor, or from other money made available to him or her for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The Chief, subject to the direction and control of the Director, shall carry out the program for emergency management in this state. The Chief shall coordinate the activities of all organizations for emergency management within the State, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the Director.

4. The Chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process, using the partnership of governmental entities, business and industry,

volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies or disasters. In adopting this process, the Chief shall conduct activities designed to:

(a) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(b) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to test those plans, training necessary personnel and acquiring necessary resources;

(c) Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(d) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(e) Restore the operation of vital community life-support systems and return persons and property affected by an emergency or disaster to a condition that is comparable to or better than what existed before the emergency or disaster occurred.

5. In addition to any other requirement concerning the program of emergency management in this State, the Chief shall:

(a) Maintain an inventory of any state or local services, equipment, supplies, personnel and other resources related to participation in the Nevada Intrastate Mutual Aid System established pursuant to NRS 414A.100;

(b) Coordinate the provision of resources and equipment within this State in response to requests for mutual aid pursuant to NRS 414.075 or chapter 414A of NRS; ~~[and]~~

(c) Coordinate with state agencies, local governments, Indian tribes or nations and special districts to use the personnel and equipment of those state agencies, local governments, Indian tribes or nations and special districts as agents of the State during a response to a request for mutual aid pursuant to NRS 414.075 or 414A.130 ~~[.]~~ *; and*

(d) Provide notice:

(1) On or before February 15 of each year to the governing body of each political subdivision of whether the political subdivision has complied with the requirements of NRS 239C.250;

(2) On or before February 15 of each year to the Chair of the Public Utilities Commission of Nevada of whether each utility that is not a governmental utility has complied with the requirements of NRS 239C.270;

(3) On or before February 15 of each year to the Governor of whether each governmental utility described in subsection 1 of NRS 239C.050 has complied with the requirements of NRS 239C.270;

(4) On or before February 15 of each year to the governing body of each governmental utility described in subsection 2 of NRS 239C.050 of whether

each such governmental utility has complied with the requirements of NRS 239C.270;

(5) On or before August 15 of each year to the Superintendent of Public Instruction of whether each board of trustees of a school district, governing body of a charter school or governing body of a private school has complied with the requirements of NRS 388.243 or 394.1687, as applicable; and

(6) On or before November 15 of each year to the Chair of the Nevada Gaming Control Board of whether each resort hotel has complied with the requirements of NRS 463.790.

6. The Division shall perform the duties required pursuant to chapter 415A of NRS.

7. The Division shall perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government.

8. The Division shall develop a written guide for the preparation and maintenance of an emergency response plan to assist a person or governmental entity that is required to file a plan pursuant to NRS 239C.250, 239C.270, 388.243, 394.1687 or 463.790. The Division shall review the guide on an annual basis and revise the guide if necessary. On or before January 15 of each year, the Division shall provide the guide to:

(a) Each political subdivision required to adopt a response plan pursuant to NRS 239C.250;

(b) Each utility required to prepare and maintain an emergency response plan pursuant to NRS 239C.270;

(c) Each development committee required to develop a plan to be used in responding to a crisis, emergency or suicide by:

(1) A public school or charter school pursuant to NRS 388.243; or

(2) A private school pursuant to NRS 394.1687; and

(d) Each resort hotel required to adopt an emergency response plan pursuant to NRS 463.790.

Sec. 8. NRS 463.790 is hereby amended to read as follows:

463.790 1. Each resort hotel shall adopt and maintain an emergency response plan. Each new or revised plan must be filed within 3 days after adoption or revision with each local fire department and local law enforcement agency whose jurisdiction includes the area in which the resort hotel is located and with the Division of Emergency Management of the Department of Public Safety.

2. The emergency response plan required by subsection 1 must include:

(a) A drawing or map of the layout of all areas within the building or buildings and grounds that constitute a part of the resort hotel and its support systems and a brief description of the purpose or use for each area;

(b) A drawing or description of the internal and external access routes;

(c) The location and inventory of emergency response equipment and resources;

(d) The location of any unusually hazardous substances;

(e) The name and telephone number of ~~[the]~~ *:*

(1) The emergency response coordinator for the resort hotel; *and*

(2) The person responsible for ensuring that the resort hotel is in compliance with this section;

(f) The location of one or more site emergency response command posts;

(g) A description of any special equipment needed to respond to an emergency at the resort hotel;

(h) An evacuation plan;

(i) A description of any public health or safety hazards present on the site; and

(j) Any other information requested by a local fire department or local law enforcement agency whose jurisdiction includes the area in which the resort hotel is located or by the Division of Emergency Management.

3. *Each resort hotel shall review its emergency response plan at least once each year and, as soon as practicable after the review is completed but not later than November 1 of each year, file with each local fire department and local law enforcement agency whose jurisdiction includes the area in which the resort hotel is located and with the Division of Emergency Management:*

(a) Any revised emergency response plan resulting from the review; or

(b) A written certification that the most recent emergency response plan filed pursuant to this subsection or subsection 1 is the current emergency response plan for the resort hotel.

4. A plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the department, agency and Division with whom it is filed. An officer, employee or other person to whom the plan is entrusted by the department, agency or Division shall not disclose the contents of such a plan except:

(a) Upon the lawful order of a court of competent jurisdiction; or

(b) As is reasonably necessary in the case of an emergency involving public health or safety.

5. If the Board maintains a list of resort hotels, the Board shall provide a copy of the list to the Division of Emergency Management, upon request, for purposes of this section.

~~[4.]~~ *6.* As used in this section, the term "local law enforcement agency" means:

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

(b) A metropolitan police department; or

(c) A police department of an incorporated city.

Sec. 9. Chapter 480 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each political subdivision shall adopt and maintain a cybersecurity incident response plan. Each new or revised plan must be filed within 10 days after adoption or revision with ~~[:~~

~~*(a) The]*~~ *the Office* . ~~*[; and*~~

~~*(b) The Division of Emergency Management of the Department.]*~~

2. The Office shall, by regulation, prescribe the contents of a cybersecurity incident response plan, which must include, without limitation, a plan:

(a) To prepare for a cybersecurity threat;

(b) To detect and analyze a cybersecurity threat;

(c) To contain, eradicate and recover from a cybersecurity incident; and

(d) For postincident activity that includes a discussion regarding lessons learned and any analytics associated with the cybersecurity incident.

3. Each political subdivision shall review its cybersecurity incident response plan at least once each year and, as soon as practicable after the review is completed but not later than December 31 of each year, file with the Office : ~~*[and the Division of Emergency Management:]*~~

(a) Any revised cybersecurity incident response plan resulting from the review; or

(b) A written certification that the most recent cybersecurity incident response plan filed pursuant to this subsection or subsection 1 is the current cybersecurity incident response plan for the political subdivision.

4. Except as otherwise provided in NRS 239.0115, a cybersecurity incident response plan filed pursuant to the requirements of this section, including any revisions adopted thereto, is confidential and must be securely maintained by the Office . ~~*[and the Division of Emergency Management.]*~~ *An officer, employee or other person to whom the plan is entrusted by the Office* ~~*[or the Division of Emergency Management]*~~ *shall not disclose the contents of such a plan except:*

(a) Upon the lawful order of a court of competent jurisdiction;

(b) As is reasonably necessary in the case of an act of terrorism or related emergency; or

(c) Pursuant to the provisions of NRS 239.0115.

5. As used in this section, "political subdivision" means a city or county of this State.

Sec. 10. NRS 480.902 is hereby amended to read as follows:

480.902 As used in NRS 480.900 to 480.950, inclusive, *and section 9 of this act*, unless the context otherwise requires, the words and terms defined in NRS 480.904 to 480.912, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 480.924 is hereby amended to read as follows:

480.924 ~~[1.]~~ The Office shall:

~~[(a) Periodically review the information systems that are operated or maintained by state agencies.~~

~~(b) Identify]~~

1. Develop procedures for risk-based assessments that identify vulnerabilities in the information systems that are operated or maintained by state agencies and any potential threats that may exploit such vulnerabilities.

2. Based on the results of risk-based assessments, identify risks to the security of information systems that are operated or maintained by state agencies.

~~[(c)]~~ *3.* Develop ~~[and update, as necessary, strategies, standards and guidelines]~~ *best practices* for preparing for and mitigating risks to, and otherwise protecting, the security of information systems that are operated or maintained by state agencies.

~~[(d) Coordinate performance audits and assessments of the information systems of state agencies to determine, without limitation, adherence to the regulations, standards, practices, policies and conventions of the Division of Enterprise Information Technology Services of the Department of Administration that are identified by the Division as security-related.~~

~~(e) Coordinate statewide programs for awareness and training regarding risks to the security of information systems that are operated or maintained by state agencies.~~

~~*(f) Provide training on cybersecurity awareness to employees of state agencies. A state agency shall require each of its employees to complete such training once each calendar quarter.*~~

~~*(g) Post and maintain on the Internet website of the Office a list of any country that is determined by the Office to have a high risk of threats to the cybersecurity of visitors and provide briefings to employees of state agencies that are scheduled to travel on state business to such a country on the safeguarding of electronic devices and other equipment that the employees will use in that country. If an employee of a state agency is scheduled to travel on state business to such a country, the state agency shall require the employee to attend such a briefing.*~~

~~2. Upon review of an information system that is operated or maintained by a state agency, the Office may make recommendations to the state agency and the Division of Enterprise Information Technology Services regarding the security of the information system.]~~

Sec. 11.5. NRS 480.926 is hereby amended to read as follows:

480.926 The Office shall:

1. Establish partnerships with:

(a) Local governments;

(b) The Nevada System of Higher Education; and

(c) Private entities ~~[that have expertise in cyber security or information systems,]~~ *, to the extent practicable,*

➥ to encourage the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems that are operated or maintained by a public or private entity in this State.

2. Establish partnerships to assist and receive assistance from local governments and appropriate agencies of the Federal Government regarding the development of strategies to prepare for and mitigate risks to, and otherwise protect, the security of information systems.

3. Consult with the Division of Emergency Management of the Department and the Division of Enterprise Information Technology Services of the Department of Administration regarding the development of strategies

to prepare for and mitigate risks to, and otherwise protect, the security of information systems.

4. Coordinate with the Investigation Division of the Department regarding gathering intelligence on and initiating investigations of cyber threats and incidents.

Sec. 11.7. NRS 480.928 is hereby amended to read as follows:

480.928 1. The Office shall establish policies and procedures for:

(a) A state agency to notify the Office of any specific threat to the security of an information system operated or maintained by the state agency;

(b) Any other public or private entity to voluntarily notify the Office of any specific threat to the security of an information system;

(c) The Office to notify state agencies, appropriate law enforcement and prosecuting authorities and any other appropriate public or private entity of any specific threat to the security of an information system of which the Office has been notified; and

(d) The Administrator to convene a cybersecurity incident response team appointed pursuant to subsection 2 upon notification of the Office of a specific threat to the security of an information system.

2. In consultation with appropriate state agencies, local governments and agencies of the Federal Government, the Administrator shall appoint a cybersecurity incident response team or teams. *Such a team may include, without limitation, an investigator employed by the Investigation Division of the Department.*

3. A cybersecurity incident response team appointed pursuant to subsection 2 shall convene at the call of the Administrator and, subject to the direction of the Administrator, shall assist the Office and any appropriate state agencies, local governments or agencies of the Federal Government in responding to the threat to the security of an information system.

4. A private entity may, in its discretion, use the services of a cybersecurity incident response team appointed pursuant to subsection 2.

Sec. 12. NRS 480.930 is hereby amended to read as follows:

480.930 1. The Office shall prepare and make publicly available a statewide strategic plan that outlines policies, procedures, best practices and recommendations for preparing for and mitigating risks to, and otherwise protecting, the security of information systems in this State and for recovering from and otherwise responding to threats to or attacks on the security of information systems in this State. *The statewide strategic plan prepared and made available pursuant to this subsection must not identify or include information which allows for the identification of specific vulnerabilities in the information systems in this State.*

2. The statewide strategic plan must include, without limitation, policies, procedures, best practices and recommendations for:

(a) Identifying, preventing and responding to threats to and attacks on the security of information systems in this State;

(b) Ensuring the safety of, and the continued delivery of essential services to, the people of this State in the event of a threat to or attack on the security of an information system in this State;

(c) Protecting the confidentiality of personal information that is stored on, transmitted to, from or through, or generated by an information system in this State;

(d) Investing in technologies, infrastructure and personnel for protecting the security of information systems; and

(e) Enhancing the voluntary sharing of information and any other collaboration among state agencies, local governments, agencies of the Federal Government and appropriate private entities regarding protecting the security of information systems.

3. The statewide strategic plan must be updated at least every 2 years.

4. A private entity may, in its discretion, make use of the information set forth in the statewide strategic plan.

5. Each agency of the State Government that has adopted a cybersecurity policy shall test the adherence of its employees to that policy on a periodic basis. Such an agency shall submit the results of the testing to the Office annually for consideration in the update of the statewide strategic plan.

Sec. 13. NRS 480.932 is hereby amended to read as follows:

480.932 1. *The Office shall quarterly prepare and submit to the Governor a report assessing the preparedness of the State, as of the date of the report, to counteract, prevent and respond to potential cybersecurity threats. The report must be based on information and documents readily available to the Office.*

2. The Office shall annually prepare a report that includes, without limitation:

(a) A summary of the progress made by the Office during the previous year in executing, administering and enforcing the provisions of NRS 480.900 to 480.950, inclusive, *and section 9 of this act* and performing such duties and exercising such powers as are conferred upon it pursuant to NRS 480.900 to 480.950, inclusive, *and section 9 of this act* and any other specific statute;

(b) A general description of any threat during the previous year to the security of an information system that prompted the Administrator to convene a cybersecurity incident response team pursuant to NRS 480.928, and a summary of the response to the threat;

(c) A summary of the goals and objectives of the Office for the upcoming year;

(d) A summary of any issues presenting challenges to the Office; and

(e) Any other information that the Administrator determines is appropriate to include in the report.

~~[2.]~~ *3.* The report required pursuant to subsection ~~[1]~~ *2* must be submitted not later than July 1 of each year to the Governor and to the Nevada Commission on Homeland Security created by NRS 239C.120.

Sec. 13.5. NRS 480.940 is hereby amended to read as follows:

480.940 1. Any record of a state agency, including the Office, or a local government , *including, without limitation, a record obtained from a private entity,* which identifies the detection of, the investigation of or a response to a suspected or confirmed threat to or attack on the security of an information system is not a public record and may be disclosed by the Administrator only to another state agency or local government, a cybersecurity incident response team appointed pursuant to NRS 480.928 and appropriate law enforcement or prosecuting authorities and only for the purposes of preparing for and mitigating risks to, and otherwise protecting, the security of information systems or as part of a criminal investigation.

2. The Office shall not require any private entity to provide any information or data that, in the sole discretion of the private entity, would compromise any information system of the private entity if such information or data were made public.

Sec. 14. This act becomes effective upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1005 to Senate Bill No. 69 eliminates duplicative statutory provisions and provides clarifying language to emphasize the development and coordination of cybersecurity best practices. Specifically, the amendment amends existing law to eliminate the Office's mandate to periodically review the information systems operated or maintained by State agencies and replaces that mandate with the requirement to develop procedures for risk-based assessments that identify cyber security risks. It amends existing statute to eliminate the mandate that the Office coordinate performance audits and assessments of State agencies information systems, provide annual training to State agencies' employees on cybersecurity awareness, post and maintain on its Internet website a list of countries determined by the Office to have a high risk of threats to the cybersecurity of visitors and brief State employees scheduled to visit those countries with the new mandate to develop best practices for preparing for and mitigating risk as opposed to strategies, standards and guidelines.

It also amends existing law to expand the Office's responsibility to establish partnerships to include partnerships with private entities to the extent practicable. It amends existing statute to provide that an investigator employed by the Investigation Division may serve on a cybersecurity incident response team and amends existing law to include language providing protections against publicly sharing information that may identify specific vulnerabilities in the information systems of the State.

Amendment adopted.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 69 designates the month of October "Cybersecurity Awareness Month." It provides certain authority to the Governor to activate the Nevada National Guard during a significant cybersecurity incident; revises requirements relating to emergency response plans for schools, cities, counties and resort hotels, and it requires each city or county to adopt and maintain a cybersecurity incident response plan. The bill amends existing statute to eliminate duplicative authority and clarify the Nevada Office of Cyber Defense Coordination's duties to emphasize the coordination and dissemination of cybersecurity information. Finally, it provides protections against the Nevada Office of Cyber Defense from publicly sharing information that may identify specific vulnerabilities in the information systems of the State.

Roll call on Senate Bill No. 69:
YEAS—20.
NAYS—None.
EXCUSED—Washington.

Senate Bill No. 69 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 89.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1009.

SUMMARY—Makes various changes relating to education. (BDR 34-331)

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

Legislative Counsel's Digest:

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

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

Existing law provides for the establishment of the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. The Program enables any person to anonymously

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

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

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

Section 28 of this bill requires the statewide framework for providing and coordinating integrated student supports, which existing law specifies as the academic and nonacademic supports for pupils enrolled in public school and the families of such pupils, to include methods for: (1) engaging the parents and guardians of pupils; (2) assessing the social, emotional and academic development of pupils; and (3) screening, intervening and monitoring the social, emotional and academic progress of pupils. (NRS 388.885) Section 7 of this bill requires the State Board of Education to develop nonbinding recommendations for the ratio of pupils to specialized instructional support personnel in public schools for kindergarten and grades 1 to 12, inclusive. Section 7 also requires the board of trustees of each school district to develop a plan to achieve such ratios. Section 7.5 of this bill requires a school safety specialist to be designated for each school district and each charter school. The

school safety specialist will be responsible for reviewing policies and procedures and overseeing various other functions relating to school safety.

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

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

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

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

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

Section 1. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than

high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033, 392.125 or 392.760, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

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

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

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

3. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board

to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

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

3. As used in this section:

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

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

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

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

2. The plan developed pursuant to subsection 1 must:

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

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

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

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

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

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

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

(a) Department;

(b) Committee;

(c) Bureau; and

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

5. As used in this section, "school climate" means the basis of which to measure the relationships between pupils and the parents or legal guardians of pupils and educational personnel, the cultural and linguistic competence of

instructional materials and educational personnel, the emotional and physical safety of pupils and educational personnel and the social, emotional and academic development of pupils and educational personnel.

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

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

2. The committee must consist of:

(a) One representative of the Department of Education;

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) Any other representative the Governor deems appropriate.

3. The committee shall:

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

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

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

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

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

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

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

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

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

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

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

2. The recommendations developed by the State Board must:

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

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

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

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

(a) A school counselor;

(b) A school psychologist;

(c) A school social worker;

(d) A school nurse;

(e) A speech-language pathologist;

(f) A school library media specialist; and

(g) Any other qualified professional.

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

2. A school safety specialist shall:

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

(b) Ensure that each school employee who interacts directly with pupils as part of his or her job duties receives information concerning mental health

services available in the school district or charter school, as applicable, and persons to contact if a pupil needs such services;

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

(1) Mental health;

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

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

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

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

(f) Not later than 30 days after the meeting described in paragraph (e), provide to the Director a summary of the findings of the school security risk assessment, any recommendations to improve school safety and security based on the assessment and any actions taken by the board of trustees or governing body, as applicable, based on those recommendations;

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

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

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

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

4. As used in this section:

(a) ~~["Administrative employee" means any person who holds a license as an administrator, issued by the Superintendent of Public Instruction, and is employed in that capacity by a school district or charter school.~~

~~(b)]~~ "Crisis" has the meaning ascribed to it in NRS 388.231.

~~[(c)]~~ (b) "Emergency" has the meaning ascribed to it in NRS 388.233.

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

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

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

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

2. The policy must include, without limitation:

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

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

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

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

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

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

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

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

(5) Methods to promote a positive learning environment;

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

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

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

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

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

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

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

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

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

(f) Any other persons appointed by the administrator.

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

3. The school safety team shall:

(a) Meet at least two times each year;

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

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

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

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

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

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

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

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

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

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

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

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

388.1455 1. The Director shall establish the ~~[Safe to Tell]~~ *SafeVoice* Program within the Office for a Safe and Respectful Learning Environment. The Program must enable any person to report ~~[anonymously]~~ to the Program

any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school, on a school bus of a public school or by a pupil enrolled at a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to ~~[paragraph (a) of]~~ subsection 2 and NRS 388.1458, must not be disclosed to any person.

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

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

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

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

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

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

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

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

(2) Twenty-four hours a day; and

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

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

4. The Director shall provide training regarding:

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

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

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

5. The Director shall:

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

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

(c) On or before July 1 of each year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report containing a summary of the information reported to the Director pursuant to NRS 388.14557 during the immediately preceding 12 months and any other information that the Director determines would assist the Committee to evaluate the Program.

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

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

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

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

7. As used in this section:

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

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

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

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

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

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

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

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

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

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

6. The Director shall:

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

(b) Update the list annually; and

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

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

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

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

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

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

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

4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event

of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the ~~[Safe to Tell]~~ *SafeVoice* Program.

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

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

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

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

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

388.2358 "School resource officer" means a *school police officer*, deputy sheriff or other peace officer employed by a local law enforcement agency who is assigned to duty at one or more schools, interacts directly with pupils and whose responsibilities include, without limitation, providing guidance and information to pupils, families and educational personnel concerning the avoidance and prevention of crime.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A procedure for responding to a crisis or an emergency and for responding during the period after a crisis or an emergency has concluded, including, without limitation, a crisis or an emergency that results in immediate physical harm to a pupil or employee of a school in the school district or the charter school;

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

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

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

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

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

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

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

4. *The board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for approval to the Division of Emergency*

Management of the Department of Public Safety the plan developed pursuant to this section.

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

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

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

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

3. *On or before July 1 of each year, the board of trustees of the school district that established the committee or the governing body of the charter school that established the committee shall submit for approval to the Division of Emergency Management of the Department of Public Safety the plan updated pursuant to subsection 1.*

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

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

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

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

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

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

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

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

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

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

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

(1) The Department;

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

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

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

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

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

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

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

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

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

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

(a) The principal of the school;

(b) Two licensed employees of the school;

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

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

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

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

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

(b) A counselor of the school;

(c) A psychologist of the school;

(d) A licensed social worker of the school;

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

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

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

4. The principal of a public school, including, without limitation, a charter school, shall determine the term of each member of the school committee.

Each school committee may adopt rules for its own management and government.

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

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

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

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

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

(c) Consider the specific needs and characteristics of the school, including, without limitation, the length of time for law enforcement to respond to the school and for a fire-fighting agency to respond to a fire, explosion or other similar emergency.

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

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

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

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

(a) A suicide; or

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

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

(a) In response to a crisis or emergency:

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

(2) Accounting for all persons within a school;

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

(4) Assisting persons within a school in a school district, a charter school or a private school to communicate with persons located outside the school, including, without limitation, relatives of pupils and relatives of employees of

such a school, the news media and persons from local, state or federal agencies that are responding to a crisis or an emergency;

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

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

(7) Providing any necessary medical assistance;

(8) Recovering from a crisis or emergency;

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

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

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

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

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

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

(5) An outbreak of disease;

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

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

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

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

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

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

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

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

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

4. The Department shall require a school district to ensure that each public school in the school district identified pursuant to paragraph (d) of subsection 2

is prepared to allow a charter school to evacuate to the school when necessary in accordance with the procedure included in the model plan developed pursuant to subsection 1. A charter school shall hold harmless, indemnify and defend the school district to which it evacuates during a crisis or an emergency against any claim or liability arising from an act or omission by the school district or an employee or officer of the school district.

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

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

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

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

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

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

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

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

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

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

1. A development committee;

2. A school committee;

3. The State Board if the meeting concerns a regulation adopted pursuant to NRS 388.255; ~~[or]~~

4. The Department *of Education* if the meeting concerns the model plan developed pursuant to NRS 388.253 ~~[.]~~ *; or*

5. The Division of Emergency Management of the Department of Public Safety if the meeting concerns the approval of a plan developed pursuant to NRS 388.243 or the approval of a plan updated pursuant to NRS 388.245.

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

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

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

(a) An administrator from the school district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) Engaging the parents and guardians of pupils;

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

(III) Attaining appropriate behavior from pupils; and

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

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

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

(I) Engaging in shared decision-making;

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

(III) Establishing productive working relationships between such providers;

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

(I) Best practices for providing integrated student supports;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) ~~[When authorized by the superintendent of schools of the school district, on]~~ *On* the streets that are adjacent to the school property, buildings and facilities within the school district ~~[for the purpose of issuing traffic citations~~

~~for~~] *to enforce* violations of traffic laws and ordinances . [~~during the times that the school is in session or school-related activities are in progress.~~]

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

Sec. 30. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection [~~2~~] *3* of NRS 385A.240;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs

to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 31. NRS 392.450 is hereby amended to read as follows:

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

2. In all cities or towns, the drills required by subsection 1 must be approved by the chief of the fire department of the city or town, if the city or town has a regularly organized, paid fire department or voluntary fire department ~~[.]~~ *, and must be conducted in accordance with any applicable fire code and any direction from the State Fire Marshal.* In addition, the drills in each school must be conducted under the supervision of the:

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

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

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

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

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

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

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

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

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

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

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

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

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

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

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

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

(4) Changing the behavior of the pupil.

(e) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

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

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

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

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

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

(d) Distribute to each teacher and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as applicable; and

(e) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.

3. On or before October 15 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

(b) The name of each principal, if any, who has not complied with the requirements of this section.

4. On or before November 15 of each year, the board of trustees of each school district shall:

(a) Submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section; and

(b) Post a copy of the report on the Internet website maintained by the school district.

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

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

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section ~~[must]~~ *may* be assigned to a temporary alternative placement pursuant to which the pupil:

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

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

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

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

(a) Required by NRS 392.466; or

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

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

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

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

2. If the governing body of a private school makes a request to the board of trustees of the school district in which the private school is located for the provision of school police officers pursuant to subsection 1, the board of trustees of the school district must enter into a contract with the governing

body for that purpose. Such a contract must provide the payment by the private school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers, including, without limitation, any other costs associated with providing the officers.

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

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

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

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

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

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

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

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

3. The governing body of each private school shall:

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

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

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

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

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

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

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

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

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

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

(1) The Department;

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

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

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

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

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

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

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

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

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

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

(1) Are residents of the county;

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

(3) Are not elected public officers.

(b) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county , ~~[and]~~ department, division or municipal

court of a city or town that employs marshals within the county ~~[,]~~ *and school district if the school district has school police officers,* as applicable.

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

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

(1) Are residents of the county;

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

(3) Are not elected public officers.

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

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

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

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

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

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

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

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

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

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

(b) With respect to purchasing and maintaining portable event recording devices and vehicular event recording devices, paying costs associated with the acquisition, maintenance, storage of data, upgrade and replacement of equipment and software necessary for the operation of portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices.

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

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

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

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

289.470 "Category II peace officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

289.830 1. A law enforcement agency shall require uniformed peace officers that it employs and who routinely interact with the public to wear a portable event recording device while on duty. Each law enforcement agency

shall adopt policies and procedures governing the use of portable event recording devices, which must include, without limitation:

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

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

(c) Prohibiting the recording of general activity;

(d) Protecting the privacy of persons:

(1) In a private residence;

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

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

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

(f) Establishing disciplinary rules for peace officers who:

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

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

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

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

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

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

3. As used in this section:

(a) "Law enforcement agency" means:

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

(2) A metropolitan police department;

(3) A police department of an incorporated city;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 43. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1009 to Senate Bill No. 89 eliminates the requirement in section 7.5 that the superintendent of schools of each school district designate an administrative employee to serve as the school safety specialist for the district and instead requires a district-level employee be designated.

Amendment adopted.

Bill read third time.

Remarks by Senators Parks and Seevers Gansert.

SENATOR PARKS:

Senate Bill No. 89 requires the Governor to appoint a committee on Statewide school safety and make recommendations related to school safety and the well-being of students. Additionally, the bill revises provisions concerning emergency response plans including their development, content, approval and usage during such an emergency. The Division of Emergency Management must report related information to the Legislature and must conduct random audits of the plans.

The measure establishes school police officers as category I Peace Officers with unrestricted duties and revises provisions relating to the jurisdiction and training of school police officers. The board of trustees employing school police officers is deemed a law enforcement agency for purposes of requiring officers to wear portable event-recording devices while on duty. Private schools may enter into a contract to provide schools police officers.

School climate information must be included in the annual accountability reports for public schools and the plan to improve the achievement of pupils enrolled in a public school. The bill provides for restorative discipline practices.

Senate Bill No. 89 requires each school district and charter school to designate a school safety specialist to oversee functions related to school safety. The State Board of Education must develop nonbinding recommendations for the ratio of pupils to specialized instructional support personnel. Such specialized instructional support personnel persons employed by a school include, without limitation, a school counselor, a school psychologist, a school social worker, a school nurse, a speech-language pathologist, a school library media specialist and any other qualified professional. Each district's board of trustees is required to develop a 15-year strategic plan to achieve these ratios. Additional methods related to student well-being must be included in the Statewide framework for integrated student supports.

Finally, Senate Bill No. 89 changes the name of the Safe-to-Tell Program to the SafeVoice Program and makes changes concerning reporting and information disclosure related to the program.

SENATOR SEEVERS GANSERT:

I rise in support of Senate Bill No. 89. This legislation supports making our schools as safe as possible. Part of this legislation includes a change of the Safe-to-Tell Program to the SafeVoice Program as far as the name, and it makes some other changes. I want to thank this Body for passing legislation last Session to put that program into place. I have commented upon it a couple of times. Some of the statistics from counter year 2018 were there were 6,000 tips through that program, and 1,000 of them had to do with students who were concerned about other students harming others, thinking that they would harm themselves or potentially be suicidal. It has been very effective, and I appreciate this bill as being a comprehensive school safety bill and the changes made to the Safe-to-Tell, now SafeVoice Program.

Roll call on Senate Bill No. 89:

YEAS—20.

NAYS—None.

EXCUSED—Washington.

Senate Bill No. 89 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 98.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1013.

SUMMARY—Revises provisions governing the practice of homeopathic medicine. (BDR 54-519)

AN ACT relating to homeopathic medicine; ~~[transferring the responsibility for regulating the practice of homeopathic medicine from]~~ changing the name of the Board of Homeopathic Medical Examiners to the ~~[State]~~ Nevada Board of ~~[Health;]~~ Homeopathic and Integrated Medicine Examiners; increasing the number of members of the Board; revising the powers of the President of the Board; revising the fees relating to licensure and certification by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Homeopathic Medical Examiners is charged with regulating the practice of homeopathic medicine in this State. (NRS 630A.155) ~~[This bill transfers the responsibility for regulating the practice of homeopathic medicine to the State Board of Health. Section 3 of this bill authorizes the State Board of Health to establish a Homeopathic Advisory Group to provide the State Board of Health with expertise and assistance in regulating the practice of homeopathic medicine. Section 4 of this bill authorizes the State Board of Health to contract for professional, technical, clerical and operational personnel as necessary to fulfill its duties with respect to the regulation of homeopathic medicine. Sections 1 and 5-18 of this bill make conforming changes.]~~ Section 2 of this bill changes the name of the Board to the Nevada Board of Homeopathic and Integrated Medicine Examiners. Section 2 also increases the number of members of the Board by one member for a total of eight members. Section 3 of this bill requires that the additional member be an advanced practitioner of homeopathy. Section 1 of this bill makes conforming changes.

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

Under existing law, applicants and licensees are required to pay certain fees related to licensure or certification by the Board. (NRS 630A.330) Section 5 of this bill increases those fees.

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

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

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

Delete existing sections 1 through 19 of this bill and replace with the following

new sections 1 through 11:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Administer to the person a public reprimand.

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

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

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

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

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

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

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

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

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

3. The Board shall not administer a private reprimand.

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

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

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

(a) Four members to serve initial terms that expire on June 30, 2021.

(b) Four members to serve initial terms that expire on June 30, 2023.

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

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

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

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

Sec. 10. The Legislative Counsel shall:

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

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

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

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1013 to Senate Bill No. 98 reconstitutes the State Board of Homeopathic Medical Examiners as the Nevada Board of Homeopathic and Integrated Medicine Examiners in Nevada Revised Statutes (NRS) Chapter 630A. It expires the terms of current Board members effective June 30, 2019, and requires the Governor to appoint eight new members, an increase of one member over the current Board membership based upon two staggered appointment terms revises the existing fee structure by increasing the current schedule of fees contained in NRS 630A.330; requires the new Board to report on its progress in improving the functioning of the Board and compliance in its duties to the Sunset Subcommittee of the Legislative Commission during the 2019-2021 interim; requires two-thirds of the new Board to accept any of the existing Board's obligations, and changes the effective date to July 1, 2019.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 98, makes the following changes to the State Board of Homeopathic Medical Examiners as established in Nevada Revised Statutes (NRS) 630A. First, the bill reconstitutes the State Board of Homeopathic Medical Examiners as the Nevada Board of Homeopathic and Integrated Medicine Examiners in NRS Chapter 630A. It also expires the terms of the current seven-member Board effective June 30, 2019, and requires the Governor to appoint eight new

members. It revises the existing fee structure by increasing the current schedule of fees contained in NRS 630A.330 to provide the Board with revenue sufficient to pay legal fees owed to the Office of the Attorney General. Finally, Senate Bill No. 98 requires the new Board to report on its progress in improving the functioning of the Board and compliance in its duties at the first and last meetings of the Sunset Subcommittee of the Legislative Commission during the 2019-2021 interim.

Roll call on Senate Bill No. 98:
YEAS—20.
NAYS—None.
EXCUSED—Washington.

Senate Bill No. 98 having received a two-thirds majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 313.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1007.

SUMMARY—Revises provisions relating to computer literacy and computer science education. (BDR 34-731)

AN ACT relating to education; requiring the Department of Education to establish an Internet repository of certain resources; authorizing a person who receives an endorsement to teach in a field of specialization relating to computer literacy and computer science to request a reimbursement; creating the Account for Computer Education and Technology; requiring a regional training program to provide training on methods to teach computer literacy or computer science; authorizing the Board of Regents of the University of Nevada to apply for a grant of money from the Account to establish curriculum and standards for the training of teachers in computer literacy and computer science; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each public school in this State to allow a pupil enrolled in the school to receive a fourth unit of credit toward the mathematics credits required for graduation from high school or a third unit of credit towards the science credits required for graduation from high school for successful completion of certain courses in computer science. (NRS 389.0186) Beginning July 1, 2022, existing law requires each school district, charter school that operates as a high school and university school for profoundly gifted pupils to make available to pupils a course in computer science. (NRS 389.037) Section 1 of this bill requires the Department of Education to develop and make available to school districts, charter schools and university schools for profoundly gifted pupils an Internet repository of resources for providing instruction in computer science to pupils in all grades. Section 1 also requires the Department to assist school districts, charter schools and university schools for profoundly gifted pupils as necessary to establish

programs of instruction in computer science that meet the needs of their pupils. Section 6.5 of this bill provides that such programs of instruction may include the courses in computer science that each school district, charter school and university school for profoundly gifted pupils is required to make available to pupils enrolled in high school beginning on July 1, 2022.

Existing law provides various incentives for educational personnel. (NRS 391A.400-391A.590) Section 3 of this bill creates the Account for Computer Education and Technology and establishes requirements for the use of money in the Account. Existing law authorizes the Board of Regents of the University of Nevada to prescribe courses of study for the Nevada System of Higher Education. (NRS 396.440) Section 6 of this bill authorizes the Board of Regents to apply for a grant from the Account to develop the curriculum and standards required to educate and train students studying to become teachers in computer literacy and computer science. Section 2 of this bill authorizes a person studying to become a teacher to request a reimbursement for the cost of the coursework required to obtain an endorsement to teach in a field of specialization relating to computer literacy and computer science.

Existing law requires the board of trustees of each school district and the governing body of each charter school to ensure that teachers and administrators have access to professional development training concerning the curriculum and instruction required for courses of study in computer science. (NRS 391A.370) Section 3.5 of this bill requires, to the extent that money is available, the State Board of Education to establish a program to award grants ~~[on a competitive basis]~~ to certain school districts and charter schools to provide incentives for a teacher to earn a degree or other credential in computer science. Existing law requires a regional training program to provide certain training for educational personnel. (NRS 391A.125) Section 4 of this bill requires a regional training program to provide training on methods to teach computer literacy and computer science.

Section 5 of this bill makes a conforming change. Section 7 of this bill makes appropriations for the purpose of carrying out the provisions of this bill.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall:

(a) Develop and make available to school districts, charter schools and university schools for profoundly gifted pupils an Internet repository of resources for providing instruction in computer science to pupils in all grades. The repository must contain, without limitation, resources for providing instruction concerning computational thinking and computer coding.

(b) Assist school districts, charter schools and university schools for profoundly gifted pupils as necessary to establish programs of instruction in computer science that meet the needs of pupils enrolled in the school district, charter school or university school for profoundly gifted pupils, as applicable.

2. As used in this section:

(a) "Computational thinking" means problem-solving skills and techniques commonly used by software engineers when writing programs for computer applications. Such skills and techniques include, without limitation, decomposition, pattern recognition, pattern generalization and designing algorithms.

(b) "Computer coding" means the process of writing script for a computer program or mobile electronic device.

Sec. 1.5. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A person who receives an endorsement to teach in a field of specialization relating to computer literacy and computer science may request a reimbursement for the cost of the coursework required to receive such an endorsement from the board of trustees of a school district or governing body of a charter school that employs or will employ the person. The board of trustees or governing body, as applicable, may reimburse the person using money received from a grant provided to the board of trustees or governing body pursuant to NRS 391A.510 or section 3 of this act.*

Sec. 3. *1. The Account for Computer Education and Technology is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants of money from any source for deposit in the Account. Any money from gifts and grants may be expended in accordance with the terms and conditions of the gift or grant and in accordance with regulations adopted pursuant to subsection 2. The interest and income earned on the sum of money in the Account and any unexpended appropriations made to the Account from the State General Fund must be credited to the Account. Any money remaining in the Account does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

2. Except as otherwise provided in subsection 1, the money in the Account may be used only for providing or reimbursing the cost of training in computer literacy and computer science pursuant to sections 2 and 6 of this act. The State Board shall adopt regulations governing the distribution of money in the Account for this purpose.

Sec. 3.5. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available, the State Board shall establish by regulation a program to award grants ~~[on a competitive basis]~~ to school districts located in a county whose population is less than 100,000 and charter schools to provide incentives for a teacher to earn a degree or other credential in computer science.

2. A school district or charter school may apply jointly for a grant pursuant to subsection 1 with another school district located in a county whose population is less than 100,000 or charter school, an employer, a college or

university, a qualified provider of an alternative route to licensure approved pursuant to NRS 391.019 or a nonprofit organization.

3. A school district or charter school that wishes to obtain a grant pursuant to subsection 1 must submit to the Department an application in the form prescribed by the Department. The application must include, without limitation, a description of the incentives that the applicant intends to establish using the grant.

Sec. 4. NRS 391A.125 is hereby amended to read as follows:

391A.125 1. Based upon the priorities of programs prescribed by the State Board pursuant to subsection 4 of NRS 391A.505 and the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391A.175, each regional training program shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(2) Curriculum and instruction required for the standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) Training for administrators who conduct the evaluations required pursuant to NRS 391.685, 391.690, 391.705 and 391.710 relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by NRS 391.455.

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to NRS 391.685, 391.690, 391.705 or 391.710.

(e) *Training for teachers on methods to teach computer literacy or computer science to pupils.*

(f) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

~~[(f)]~~ *(g)* In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391A.135 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(42), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are English learners.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➥ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in

NRS 391A.120 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(42), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

7. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 391A.190 is hereby amended to read as follows:

391A.190 1. The governing body of each regional training program shall:

(a) Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures and criteria adopted by the Statewide Council pursuant to NRS 391A.135 and the standards for professional development training adopted by the State Board pursuant to subsection 1 of NRS 391A.370.

(b) On or before September 1 of each year and before submitting the annual report pursuant to paragraph (c), submit the annual report to the Statewide Council for its review and incorporate into the annual report any revisions recommended by the Statewide Council.

(c) On or before December 1 of each year, submit an annual report to the State Board, the board of trustees of each school district served by the regional training program, the Commission on Professional Standards in Education, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes, without limitation:

(1) The priorities for training adopted by the governing body pursuant to NRS 391A.175.

(2) The type of training offered through the regional training program in the immediately preceding year.

(3) The number of teachers and administrators who received training through the regional training program in the immediately preceding year.

(4) The number of administrators who received training pursuant to paragraph (c) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(5) The number of teachers, administrators and other licensed educational personnel who received training pursuant to paragraph (d) of subsection 1 of NRS 391A.125 in the immediately preceding year.

(6) The number of teachers who received training pursuant to subparagraph (1) of paragraph ~~[(f)]~~ *(g)* of subsection 1 of NRS 391A.125 in the immediately preceding year.

(7) The number of paraprofessionals, if any, who received training through the regional training program in the immediately preceding year.

(8) An evaluation of the effectiveness of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to paragraph (a).

(9) An evaluation of whether the training included the:

(I) Standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(II) Curriculum and instruction required for the common core standards adopted by the State Board;

(III) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada created by NRS 391.455; and

(IV) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(10) An evaluation of the effectiveness of training on improving the quality of instruction and the achievement of pupils.

(11) A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the Statewide Council during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

(12) The 5-year plan for the regional training program prepared pursuant to NRS 391A.175 and any revisions to the plan made by the governing body in the immediately preceding year.

2. The information included in the annual report pursuant to paragraph (c) of subsection 1 must be aggregated for each regional training program and disaggregated for each school district served by the regional training program.

3. As used in this section, "paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 6. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may apply for a grant from the Account for Computer Education and Technology created pursuant to section 3 of this act to develop the curriculum and standards required to educate and train a person who is studying to become a teacher in computer literacy and computer science.

2. All persons who are studying to become a teacher must receive appropriate education and training in computer literacy and computer science.

Sec. 6.5. Section 1 of this act is hereby amended to read as follows:

Section 1. 1. The Department shall:

(a) Develop and make available to school districts, charter schools and university schools for profoundly gifted pupils an Internet repository of resources for providing instruction in computer science to pupils in all grades. The repository must contain, without limitation,

resources for providing instruction concerning computational thinking and computer coding.

(b) Assist school districts, charter schools and university schools for profoundly gifted pupils as necessary to establish programs of instruction in computer science , *including, without limitation, the courses required by NRS 389.037,* that meet the needs of pupils enrolled in the school district, charter school or university school for profoundly gifted pupils, as applicable.

2. As used in this section:

(a) "Computational thinking" means problem-solving skills and techniques commonly used by software engineers when writing programs for computer applications. Such skills and techniques include, without limitation, decomposition, pattern recognition, pattern generalization and designing algorithms.

(b) "Computer coding" means the process of writing script for a computer program or mobile electronic device.

Sec. 7. 1. There is hereby appropriated from the State General Fund to the Department of Education for transfer to the Clark County School District for the purpose of carrying out the provisions of this act, the following sums:

For the Fiscal Year 2019-2020..... $400,000

For the Fiscal Year 2020-2021..... $400,000

2. There is hereby appropriated from the State General Fund to the Department of Education for transfer to the Washoe County School District for the purpose of carrying out the provisions of this act, the following sums:

For the Fiscal Year 2019-2020..... $100,000

For the Fiscal Year 2020-2021..... $100,000

3. There is hereby appropriated from the State General Fund to the Department of Education for the purpose of awarding grants of money to certain school districts and charter schools pursuant to subsection ~~[4]~~ 7 to carry out the provisions of this act, the following sums:

For the Fiscal Year 2019-2020..... $200,000

For the Fiscal Year 2020-2021..... $200,000

4. There is hereby appropriated from the State General Fund to the Department of Education the sum of $120,000 for the purpose of providing the training required pursuant to section 4 of this act.

5. There is hereby appropriated from the State General Fund to the Department of Education the sum of $12,588 for the purpose of monitoring computer education on a statewide basis.

6. There is hereby appropriated from the State General Fund to the Account for Computer Education and Technology the sum of $100,000.

7. Grants awarded from the sums appropriated by subsection 3 must be awarded to school districts, other than the Clark County School District or the Washoe County School District, and charter schools in this State through a noncompetitive application process.

8. Any remaining balance of the sums appropriated by:

(a) Subsections 1, 2 and 3 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

(b) Subsections 4, 5 and 6 must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 8. 1. This section, sections 1 to 6, inclusive, and section 7 of this act become effective on July 1, 2019.

2. Section 6.5 of this act becomes effective on July 1, 2022.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1007 to Senate Bill No. 313 revises section 3.5 to eliminate the requirement for the State Board of Education to establish a competitive grant program for school districts located in a county whose population is less than 100,000 that would provide incentives for a teacher to earn a degree or other credential in computer science. The amendment further allows school districts located in a county whose population is less than 100,000 to apply jointly for the noncompetitive grant program established by the State Board of Education.

Amendment adopted.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 313 creates the Account for Computer Education and Technology and establishes the requirements for the use of money in the Account. The bill further requires a regional training program to provide training on methods to teach computer literacy or computer science and authorizes the Board of Regents of the University of Nevada to apply for a grant of money from the Account to develop the curriculum and standards required to educate and train a person who is studying to become a teacher in computer literacy and computer science. The bill also authorizes the State Board of Education to establish a grant program that school districts and charter schools may use to provide incentives to teachers who earn a degree or other credential in computer science. Senate Bill No. 313 further requires the Department of Education to develop an Internet repository of resources for providing instruction in computer science to pupils in all grades and assist public schools to establish program of instruction in computer science.

Senate Bill No. 313 appropriates General Funds of $1,632,588 over the 2019-2021 Biennium to the Department of Education to carry out the provisions of the act.

Roll call on Senate Bill No. 313:
YEAS—20.
NAYS—None.
EXCUSED—Washington.

Senate Bill No. 313 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 427.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 427 revises provisions governing the resignation of registered agents, as filed with the Secretary of State. The bill also revises provisions relating to private corporations, including clarifying which records must be kept by the corporation and made available for inspection; clarifying which persons are entitled to inspect such records, and revising the requirements to submit a demand to inspect records made available for inspection.

Additionally, the bill authorizes the removal of a director of a corporation under certain circumstances. It revises provisions related to the appointment of a receiver; revises requirements for determining whether a quorum is present at a meeting of stockholders, and expands provisions relating to limitations on the right of a stockholder to dissent. Finally, existing law provides for the appointment of a receiver for the creditors and stockholders of a private corporation, and Senate Bill No. 427 enacts similar provisions for a limited-liability company.

Roll call on Senate Bill No. 427:
YEAS—20.
NAYS—None.
EXCUSED—Washington.

Senate Bill No. 427 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 86.

The following Assembly amendment was read:

Amendment No. 845.

SUMMARY—Makes various changes relating to the regulation of insurers by the Division of Insurance of the Department of Business and Industry. (BDR 57-238)

AN ACT relating to insurance; revising provisions governing the payment of the expenses for an examination of an insurer; eliminating certain requirements relating to reporting of closed claims for medical liability insurance; eliminating the requirement that certain expired, suspended or terminated certificates be surrendered; requiring certain insurers to file quarterly statements; eliminating certain countersignature requirements; ~~[revising provisions governing the taxation of money received by a life insurer pursuant to an annuity agreement;]~~ revising certain requirements for an application for a certificate of registration as an administrator; revising provisions governing annual reports filed by an administrator; revising

provisions requiring an adjuster to maintain in this State a place of business; authorizing the Commissioner of Insurance to designate certain insurers as domestic surplus lines insurers; revising provisions governing the appointment of the directors of a nonprofit organization of surplus lines brokers; revising provisions governing fees which may be charged by certain brokers; authorizing the Commissioner to assess against an insurer the actual cost for the external actuarial review of a ~~[proposal to change the]~~ rate filing of a health plan; revising requirements relating to certificates of registration as a provider of service contracts; authorizing the Commissioner to issue a certificate of dormancy to certain captive insurers; revising provisions governing state-chartered risk retention groups for consistency with the accreditation standards of the National Association of Insurance Commissioners; revising provisions governing the suspension or revocation of a license of a captive insurer; revising certain requirements relating to certain financial transactions by a captive insurer; establishing or revising minimum capital requirements for certain insurers; making certain provisions governing rates and service organizations and portability and accountability of certain health benefit plans applicable to health maintenance organizations; revising provisions governing insurers in receivership; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commissioner of Insurance to examine insurers and certain other persons to ensure compliance with the provisions of the Nevada Insurance Code (Title 57 of NRS). (NRS 679B.230, 679B.240) Existing law provides that the person examined shall, upon presentation of a bill by the Commissioner, pay to the Commissioner the expenses of the examiner and assistants of the Commissioner, including reasonable and proper hotel and travel expenses, expert assistance, reasonable compensation of the examiners and assistants and necessary incidental expenses. (NRS 679B.290) Sections 1, 57 and 62 of this bill revise the types of expenses which may be collected from examinees and their method of collection and eliminate assistants of the Commissioner as persons whose expenses may be paid by examinees.

Existing law requires insurers providing medical liability insurance to physicians and osteopathic physicians to report to the Division of Insurance certain information regarding closed claims. (NRS 630.130, 630.3069, 630.318, 633.286, 633.528, 633.529, 679B.144, 679B.440, 679B.460, 690B.260, 690B.360) Sections 2, 3, 33 and 71-77 of this bill eliminate those reporting requirements.

Section 3.5 of this bill increases the annual assessment that the Commissioner is required to collect from each insurer authorized to transact insurance in this State.

Existing law requires certain certificates of licensure, authority or registration which are issued by the Commissioner to be surrendered or delivered to the Commissioner upon expiration, suspension or termination

thereof. (NRS 680A.160, 683A.08526, 683A.480, 684A.210, 684A.220, 684B.110, 684B.120, 685A.220, 686A.520, 689.160, 689.595, 695J.260, 696A.330, 697.360) Sections 4, 13, 17-20, 27, 28, 30, 31, 64, 70 and 78 of this bill eliminate the requirement that such certificates be surrendered or delivered.

Existing law requires certain insurers to file certain annual reports and financial statements with the Commissioner of Insurance. (NRS 680A.270, 680A.280, 690B.150, 695B.160, 695C.210, 695D.260, 695F.320) Sections 5, 6, 32, 53, 56, 59 and 63 of this bill require certain insurers to also file quarterly statements with the Commissioner and the National Association of Insurance Commissioners.

In 2009, the Legislature eliminated certain countersignature provisions which the 9th Circuit Court of Appeals had found to be unconstitutional in discriminating against Nevada nonresident producers of insurance by denying them the same rights and privileges as resident producers. (*Council of Ins. Agents & Brokers v. Molasky-Arman*, 522 F.3d 925 (9th Cir. 2008); NRS 680A.300, 680A.310) Sections 7 and 78 of this bill eliminate certain remaining countersignature requirements and references thereto.

~~[Existing law provides that money accepted by a life insurer pursuant to an annuity agreement may be considered income and taxable either upon receipt or at the time the money is applied to purchase annuities. (NRS 680B.025) Section 8 of this bill provides that, for such an agreement which is issued on or after January 1, 2020, the money is considered income and taxable upon receipt.]~~

Section 10 of this bill revises the applicability of specified limitations on an insurer's investment in certain types of real estate.

Existing law requires an application for a certificate of registration as an administrator to be accompanied by a financial statement which includes an income statement and balance sheet. (NRS 683A.08522) Section 11 of this bill requires the financial statement, income statement and balance sheet to have been reviewed by an independent certified public accountant.

Existing law requires the Commissioner to submit certain information supplied by an applicant for a certificate of registration as an administrator to the Division of Industrial Relations of the Department of Business and Industry for final approval. (NRS 683A.08524) Section 12 of this bill requires the Commissioner to submit the information to the Division only if the applicant seeks final approval by the Division in accordance with regulations governing industrial insurance as adopted by the Administrator of the Division.

Existing law requires an administrator who files an annual report which contains certain financial statements and other information to pay a filing fee in an amount determined by the Commissioner. Existing law also requires the Commissioner, after reviewing the annual report and accompanying financial statement, to identify any deficiency found in the annual report or submit certain information to an electronic database maintained by the National

Association of Insurance Commissioners or its affiliate or subsidiary. (NRS 683A.08528) Section 14 of this bill eliminates these requirements.

Existing law requires every adjuster to have and maintain in this State a place of business. (NRS 684A.170) Section 15 of this bill limits this requirement to adjusters who are residents of this State.

Existing law requires an adjuster to retain records of all transactions under his or her license for at least 3 years. (NRS 684A.180) Section 16 of this bill revises this period of retention to at least 3 years after the closure of the claim to which the records apply.

Sections 21-26 of this bill: (1) authorize the Commissioner to designate an insurer which is domiciled in this State and meets certain requirements as a domestic surplus lines insurer; and (2) establish certain requirements and limitations on the transaction of the business of insurance by and with, a domestic surplus lines insurer.

Existing law provides that the members of the board of directors of a nonprofit organization of surplus lines brokers must be appointed by the Commissioner and serve at the pleasure of the Commissioner. (NRS 685A.075) Section 26.3 of this bill provides that: (1) the directors must be appointed in accordance with the bylaws of the organization; and (2) any proposed director may be disapproved by the Commissioner and serves at the pleasure of the Commissioner.

Existing law: (1) authorizes a broker who places any insurance coverage which the Commissioner has made available for export to charge a fee for procuring surplus lines coverage; and (2) except under certain circumstances, prohibits that fee from exceeding 20 percent of the premium charged, after deducting any other commissions, fees and charges payable to the broker. (NRS 685A.155) Section 26.5 of this bill revises these provisions to: (1) provide that the fee is authorized to be charged by the licensed surplus lines broker who is first engaged by or on behalf of an applicant for insurance; and (2) clarify the calculation of the limit on the amount of the fee charged.

Existing law requires the Commissioner to consider each proposed increase or decrease in the rate of a health plan. (NRS 686B.112) Section 29 of this bill: (1) requires the Commissioner to perform an actuarial review of ~~[a proposal to increase or decrease a]~~ each rate ~~[,]~~ filing; and (2) authorizes the Commissioner to assess against an insurer the actual cost for the external actuarial review of such a ~~[proposal to increase or decrease a rate.]~~ filing.

Existing law establishes the requirements for the application for, and issuance and renewal of, a certificate of registration as a provider of service contracts. (NRS 690C.160) Section 34 of this bill: (1) increases from $1,000 to $2,000 the fee that must be paid at the time of application; (2) increases the term of a certificate of registration from 1 year to 2 years; (3) increases the fee for the renewal of a certificate from $1,000 to $2,000; and (4) requires a provider to submit his or her application and fee for renewal not later than 60 days before his or her certificate expires.

Sections 36 and 37 of this bill authorize the Commissioner to issue a certificate of dormancy to a captive insurer which elects to cease transacting the business of insurance and complies with certain requirements and conditions.

Sections 39-44, 46 and 49-51 of this bill revise provisions governing captive insurers to distinguish between association captive insurers and state-chartered risk retention groups for consistency with the accreditation standards of the National Association of Insurance Commissioners.

Existing law authorizes the Commissioner to suspend or revoke the license of a captive insurer after an examination and hearing if the Commissioner makes certain determinations. (NRS 694C.270) Section 45 of this bill eliminates the requirement for an examination and clarifies that failure to pay required taxes on premiums is one of the grounds on which a license may be suspended or revoked.

Existing law prohibits a captive insurer from transacting insurance in this State unless the captive insurer has made adequate arrangements with a bank located in this State. (NRS 694C.310) Section 47 of this bill revises this provision to include a state-chartered bank, state-chartered credit union or state-licensed thrift company that is located in this State and a federally chartered bank that has a branch that is located in this State.

Existing law prohibits a captive insurer from paying certain dividends or certain other distributions unless the captive insurer has obtained the prior approval of the Commissioner. (NRS 694C.330) Section 48 of this bill requires the prior approval of the Commissioner for: (1) a captive insurer other than a state-chartered risk retention group to pay only certain extraordinary dividends or certain other extraordinary distributions; and (2) a state-chartered risk retention group to pay any dividends or distributions.

Sections 52, 54, 58 and 61 of this bill: (1) establish minimum capital requirements for nonprofit corporations for hospital, medical and dental services, health maintenance organizations, organizations that provide plans for dental care; and (2) revise such requirements for prepaid limited health service organizations.

Section 55 of this bill provides that provisions governing rates and service organizations apply to health maintenance organizations.

Section 55.5 of this bill provides that provisions governing portability and accountability of individual health benefit plans apply to health maintenance organizations.

Sections 66-69 of this bill: (1) require the receiver of an insurer in receivership and each guaranty association which is affected by the delinquency proceedings to file certain financial reports as established or specified by the National Association of Insurance Commissioners; and (2) revise provisions to include references to the Insurer Receivership Model Act adopted by the National Association of Insurance Commissioners.

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

Section 1. NRS 679B.290 is hereby amended to read as follows:

679B.290 1. Except as otherwise provided in subsection 2:

(a) The expense of examination of an insurer, or of any person referred to in subsection 1, 2, 5 or 6 of NRS 679B.240, must be borne by the person examined. Such expense includes only the reasonable ~~[and proper hotel and travel expenses]~~ *compensation and per diem allowance* of the ~~[Commissioner and the]~~ examiners ~~[and assistants]~~ of the Commissioner, including expert assistance, ~~[reasonable compensation as to such examiners and assistants]~~ and incidental expenses as necessarily incurred in the examination. As to expense ~~[and compensation]~~ involved in any such examination, the Commissioner shall give due consideration to scales and limitations recommended by the National Association of Insurance Commissioners and outlined in the examination manual sponsored by that association.

(b) The person examined shall promptly pay ~~[to the Commissioner]~~ the expenses of the examination upon presentation by the Commissioner of a reasonably detailed written statement thereof.

2. The Commissioner may bill an insurer for the examination of any person referred to in subsection 1 of NRS 679B.240 and shall adopt regulations governing such billings.

Sec. 2. 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;

(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; *and*

(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.

Sec. 3. NRS 679B.460 is hereby amended to read as follows:

679B.460 1. An insurer who willfully or repeatedly violates or fails to comply with a provision of NRS 679B.400 to 679B.440, inclusive, ~~[or 690B.260]~~ or a regulation adopted pursuant to NRS 679B.430 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to payment of an administrative fine of not more than $1,000 for each day of the violation or failure to comply, up to a maximum fine of $50,000.

2. An insurer who fails or refuses to comply with an order issued by the Commissioner pursuant to NRS 679B.430 is subject, after notice and a hearing

held pursuant to NRS 679B.310 to 679B.370, inclusive, to suspension or revocation of the insurer's certificate of authority to transact insurance in this state.

3. The imposition of an administrative fine pursuant to this section must not be considered by the Commissioner in any other administrative proceeding unless the fine has been paid or a court order for payment of the fine has become final.

Sec. 3.5. NRS 679B.700 is hereby amended to read as follows:

679B.700 1. The Special Investigative Account is hereby established in the Fund for Insurance Administration and Enforcement created by NRS 680C.100 for use by the Commissioner. The Commissioner shall deposit all money received pursuant to this section with the State Treasurer for credit to the Account. Money remaining in the Account at the end of a fiscal year does not lapse to the State General Fund and may be used by the Commissioner in any subsequent fiscal year for the purposes of this section.

2. The Commissioner shall:

(a) In cooperation with the Attorney General, biennially prepare and submit to the Governor, for inclusion in the executive budget, a proposed budget for the program established pursuant to NRS 679B.630; and

(b) Authorize expenditures from the Special Investigative Account to pay the expenses of the program established pursuant to NRS 679B.630 and of any unit established in the Office of the Attorney General that investigates and prosecutes insurance fraud.

3. The money authorized for expenditure pursuant to paragraph (b) of subsection 2 must be distributed in the following manner:

(a) Fifteen percent of the money authorized for expenditure must be paid to the Commissioner to oversee and enforce the program established pursuant to NRS 679B.630; and

(b) Eighty-five percent of the money authorized for expenditure must be paid to the Attorney General to pay the expenses of the unit established in the Office of the Attorney General that investigates and prosecutes insurance fraud.

4. Except as otherwise provided in subsection 5, costs of the program established pursuant to NRS 679B.630 must be paid by the insurers authorized to transact insurance in this State. The Commissioner shall collect an annual assessment from each insurer authorized to transact insurance in this State. The annual amount so assessed to each insurer:

(a) Is ~~[$500,]~~ *$1,000,* if the total amount of the premiums charged to insureds in this State by the insurer is less than $100,000 or if the insurer is a reinsurer that has the authority to assume only reinsurance;

(b) Is ~~[$750,]~~ *$1,500,* if the total amount of the premiums charged to insureds in this State by the insurer is $100,000 or more, but less than $1,000,000;

(c) Is ~~[$1,000,]~~ *$2,000,* if the total amount of the premiums charged to insureds in this State by the insurer is $1,000,000 or more, but less than $10,000,000;

(d) Is ~~[$1,500,]~~ *$3,000,* if the total amount of the premiums charged to insureds in this State by the insurer is $10,000,000 or more, but less than $50,000,000; and

(e) Is ~~[$2,000,]~~ *$4,000,* if the total amount of the premiums charged to insureds in this State by the insurer is $50,000,000 or more.

5. The provisions of this section do not apply to an insurer who provides only workers' compensation insurance and pays the assessment provided in NRS 232.680.

6. The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, the collection of the assessment.

7. As used in this section, "reinsurer" has the meaning ascribed to it in NRS 681A.370.

Sec. 4. NRS 680A.160 is hereby amended to read as follows:

680A.160 1. If upon completion of its application the Commissioner finds that the insurer has met the requirements therefor under this Code, the Commissioner may issue to the insurer a proper certificate of authority; if the Commissioner does not so find, the Commissioner shall issue an order refusing such certificate.

2. The certificate, if issued, shall state the insurer's name, home office address, state or country of organization, and the kinds of insurance the insurer is authorized to transact throughout Nevada. At the insurer's request, the Commissioner may issue a certificate of authority limited to particular types of insurance or coverages within a kind of insurance as defined in NRS 681A.010 to 681A.080, inclusive (kinds of insurance).

3. Although issued and delivered to the insurer, the certificate of authority at all times shall be the property of the State of Nevada. ~~[Upon any expiration, suspension or termination thereof the insurer shall promptly deliver the certificate to the Commissioner.]~~

Sec. 5. NRS 680A.270 is hereby amended to read as follows:

680A.270 1. Each authorized insurer shall annually on or before March 1, or within any reasonable extension of time therefor which the Commissioner for good cause may have granted on or before that date, file with the Commissioner a full and true statement of its financial condition, transactions and affairs as of December 31 preceding. The statement must be:

(a) In the general form and context of, and require information as called for by, an annual statement as is currently in general and customary use in the United States for the type of insurer and kinds of insurance to be reported upon, with any useful or necessary modification or adaptation thereof, supplemented by additional information required by the Commissioner;

(b) Prepared in accordance with:

(1) The Annual Statement Instructions for the type of insurer to be reported on as adopted by the National Association of Insurance Commissioners for the year in which the insurer files the statement; and

(2) The Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners and effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(c) Verified by the oath of the insurer's president or vice president and secretary or actuary, as applicable, or, in the absence of the foregoing, by two other principal officers, or if a reciprocal insurer, by the oath of the attorney-in-fact, or its like officers if a corporation.

2. The statement of an alien insurer must be verified by its United States manager or other officer who is authorized to do so, and may relate only to the insurer's transactions and affairs in the United States unless the Commissioner requires otherwise. If the Commissioner requires a statement as to the insurer's affairs throughout the world, the insurer shall file the statement with the Commissioner as soon as reasonably possible.

3. The Commissioner may refuse to continue, or may suspend or revoke, the certificate of authority of any insurer failing to file its annual statement when due.

4. At the time of filing ~~[,]~~ *its annual statement with the Commissioner*, the insurer shall pay the fee for filing its annual statement as prescribed by NRS 680B.010.

5. *Each domestic insurer shall file with the Commissioner and the National Association of Insurance Commissioners a quarterly statement in the form most recently adopted by the National Association of Insurance Commissioners for that type of insurer. The quarterly statement must be:*

(a) Prepared in accordance with the instructions which are applicable to that form, including, without limitation, the required date of submission for the form; and

(b) Filed by electronic means.

6. The Commissioner may adopt regulations requiring each domestic, foreign and alien insurer which is authorized to transact insurance in this state to file the insurer's annual statement with the National Association of Insurance Commissioners or its successor organization.

~~[6.]~~ *7.* Except as otherwise provided in NRS 239.0115, all work papers, documents and materials prepared pursuant to this section by or on behalf of the Division are confidential and must not be disclosed by the Division.

~~[7.]~~ *8.* To the extent that the Annual Statement Instructions referenced in subparagraph (1) of paragraph (b) of subsection 1 *or the instructions for the preparation of quarterly statements referenced in paragraph (a) of subsection 5* require the disclosure of compensation paid to or on behalf of an insurer's officers, directors or employees, the information may be filed with the Commissioner *and the National Association of Insurance Commissioners* as ~~[an exhibit]~~ *exhibits* separate from the ~~[statement]~~ *annual and quarterly*

statements required by this section. Except as otherwise provided in NRS 239.0115, the compensation information described in this subsection is confidential and must not be disclosed by the Division.

Sec. 6. NRS 680A.280 is hereby amended to read as follows:

680A.280 1. Any insurer failing, without just cause beyond the reasonable control of the insurer, to file ~~[an annual]~~ *a* statement as required in NRS 680A.265 and 680A.270 shall be required to pay a penalty of $100 for each day's delay, but not to exceed $3,000 in aggregate amount, to be recovered in the name of the State of Nevada by the Attorney General.

2. Any director, officer, agent or employee of any insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 7. NRS 680A.300 is hereby amended to read as follows:

680A.300 1. ~~[Except as provided in NRS 680A.310, no]~~ *No* authorized insurer may make, write, place, renew or cause to be made, placed or renewed, any policy or duplicate policy, endorsement or contract of insurance of any kind upon persons, property or risks resident, located or to be performed in this State, except through its duly appointed and licensed agents . ~~[, any one of whom shall countersign the policy, endorsement or contract.]~~

2. ~~[Where two or more insurers jointly issue a single policy, the policy may be countersigned, on behalf of all insurers appearing thereon, by a duly appointed and licensed agent of any one insurer.~~

~~3.]~~ In any case where it is necessary to execute an emergency bond and a commissioned agent authorized to execute the bond is not present, a manager or other employee of the insurer having authority under a power of attorney may execute the bond in order to produce a valid contract between the insurer and the obligee. ~~[The bond must subsequently be countersigned by a commissioned agent who is authorized to execute the bond.]~~ The commissioned agent who executes the bond shall make and retain an adequate office record of the transaction.

~~[4. An insurer may use an endorsement to the policy for the sole purpose of countersigning the policy, as required in this section, only if:~~

~~(a) The endorsement is attached to the policy to which it applies; and~~

~~(b) The policy insures persons or property in this State and one or more other states.]~~

Sec. 8. ~~[NRS 680B.025 is hereby amended to read as follows:~~

~~680B.025 For the purposes of NRS 680B.025 to 680B.039, inclusive:~~

~~1. "Total income derived from direct premiums written":~~

~~(a) Does not include premiums written or considerations received from life insurance policies or annuity contracts issued in connection with the funding of a pension, annuity or profit sharing plan qualified or exempt pursuant to sections 401, 403, 404, 408, 457 or 501 of the United States Internal Revenue Code as renumbered from time to time.~~

~~(b) Does not include payments received by an insurer from the Secretary of Health and Human Services pursuant to a contract entered into pursuant to section 1876 of the Social Security Act, 42 U.S.C. § 1395mm.~~

~~(c) As to title insurance, consists of the total amount charged by the company for the sale of policies of title insurance.~~

~~2. Money accepted by a life insurer pursuant to an agreement which provides for an accumulation of money to purchase annuities at future dates [may] *shall* be considered as "total income derived from direct premiums written" [either]:~~

~~*(a) For such an agreement which is issued before January 1, 2020, either* upon receipt or upon the actual application of the money to the purchase of annuities, but any interest credited to money accumulated while under the latter alternative must also be included in "total income derived from direct premiums written," and any money taxed upon receipt, including any interest later credited thereto, is not subject to taxation upon the purchase of annuities. Each life insurer shall signify on its return covering premiums for the calendar year 1971 or for the first calendar year it transacts business in this State, whichever is later, its election between those two alternatives. Thereafter an insurer shall not change his or her election without the consent of the Commissioner.~~

~~*(b) For such an agreement which is issued on or after January 1, 2020, upon receipt.*~~

~~Any such money taxed as "total income derived from direct premiums written" is, in the event of withdrawal of the money before its actual application to the purchase of annuities, eligible to be included as "return premiums" pursuant to the provisions of NRS 680B.030.]~~ (Deleted by amendment.)

Sec. 9. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) Except as otherwise provided in NRS 680A.180, 683A.378, 686A.380, *690C.160*, 694C.230, 695A.080, 695B.135, 695D.150, 695H.090 and 696A.150, if an annual fee, paid on or before the date established by regulation of the Commissioner;

(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee $1,300

(2) Annual fee $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee $1,300

(2) Annual fee $1,300

(c) Independent review organizations, as provided for in NRS 616A.469 or 683A.3715, or both:

(1) Initial fee $60

(2) Annual fee $60

(d) Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee $60

(2) Triennial fee $60

(e) Reinsurers, as provided for in NRS 681A.1551 or 681A.160, as applicable:

(1) Initial fee $1,300

(2) Annual fee $1,300

(f) Intermediaries, as defined in NRS 681A.330:

(1) Initial fee $60

(2) Triennial fee $60

(g) Reinsurers, as defined in NRS 681A.370:

(1) Initial fee $1,300

(2) Annual fee $1,300

(h) Administrators, as defined in NRS 683A.025:

(1) Initial fee $60

(2) Triennial fee $60

(i) Managing general agents, as defined in NRS 683A.060:

(1) Initial fee $60

(2) Triennial fee $60

(j) Agents who perform utilization reviews, as defined in NRS 683A.376:

(1) Initial fee $60

(2) Annual fee $60

(k) Insurance consultants, as defined in NRS 683C.010:

(1) Initial fee $60

(2) Triennial fee $60

(l) Independent adjusters, as defined in NRS 684A.030:

(1) Initial fee $60

(2) Triennial fee $60

(m) Public adjusters, as defined in NRS 684A.030:

(1) Initial fee $60

(2) Triennial fee $60

(n) Associate adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(o) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee $60
(2) Triennial fee $60
(p) Brokers, as defined in NRS 685A.031:
(1) Initial fee $60
(2) Triennial fee $60
(q) Companies, as defined in NRS 686A.330:
(1) Initial fee $1,300
(2) Annual fee $1,300
(r) Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee $1,300
(2) Annual fee $1,300
(s) Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee $60
(2) Annual fee $60
(t) Providers of viatical settlements, as defined in NRS 688C.080:
(1) Initial fee $60
(2) Annual fee $60
(u) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(v) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(w) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(x) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(y) Providers, as defined in NRS 690C.070:
(1) Initial fee $1,300
(2) Annual fee $1,300
(z) Escrow officers, as defined in NRS 692A.028:
(1) Initial fee $60
(2) Triennial fee $60

(aa) Title agents, as defined in NRS 692A.060:
(1) Initial fee $60
(2) Triennial fee $60
(bb) Captive insurers, as defined in NRS 694C.060:
(1) Initial fee $250
(2) Annual fee $250
(cc) Insurance agents for societies, as provided for in NRS 695A.330:
(1) Initial fee $60
(2) Triennial fee $60
(dd) Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee $250
(2) Annual fee $250
(ee) Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee $250
(2) Annual fee $250
(ff) Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(gg) Club agents, as defined in NRS 696A.040:
(1) Initial fee $60
(2) Triennial fee $60
(hh) Motor clubs, as defined in NRS 696A.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(ii) Bail agents, as defined in NRS 697.040:
(1) Initial fee $60
(2) Triennial fee $60
(jj) Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee $60
(2) Triennial fee $60
(kk) Bail solicitors, as defined in NRS 697.060:
(1) Initial fee $60
(2) Triennial fee $60
(ll) General agents, as defined in NRS 697.070:
(1) Initial fee $60
(2) Triennial fee $60
(mm) Exchange enrollment facilitators, as defined in NRS 695J.050:
(1) Initial fee $60
(2) Triennial fee $60

5. An initial fee of $1,000 must be paid to the Commissioner by each:

(a) Insurer who is authorized to transact casualty insurance, as defined in NRS 681A.020;

(b) Insurer who is authorized to transact health insurance, as defined in NRS 681A.030;

(c) Insurer who is authorized to transact life insurance, as defined in NRS 681A.040;

(d) Insurer who is authorized to transact property insurance, as defined in NRS 681A.060;

(e) Title insurer, as defined in NRS 692A.070;

(f) Fraternal benefit society, as defined in NRS 695A.010;

(g) Corporation subject to the provisions of chapter 695B of NRS;

(h) Health maintenance organization, as defined in NRS 695C.030;

(i) Organization for dental care, as defined in NRS 695D.060; and

(j) Prepaid limited health service organization, as defined in NRS 695F.050.

6. An insurer who is required to pay an initial fee of $1,000 pursuant to subsection 5 shall also pay to the Commissioner an annual fee in an amount determined by the Commissioner. When determining the amount of the annual fee, the Commissioner must consider:

(a) The direct written premiums reported to the Commissioner by the insurer during the previous year;

(b) The number of insurers who are required to pay an annual fee pursuant to this subsection;

(c) The direct written premiums reported during the previous year by all insurers paying such fees; and

(d) The budget of the Division.

7. An insurer who is not required to pay an initial or annual fee pursuant to subsection 4 or subsections 5 and 6 shall pay to the Commissioner an initial fee of $1,300 and an annual fee of $1,300.

Sec. 10. NRS 682A.436 is hereby amended to read as follows:

682A.436 1. An insurer shall not acquire an investment in accordance with the provisions of NRS 682A.430 if, as a result of and after giving effect to the investment, the aggregate amount of all investments held by the insurer pursuant to that section would exceed:

(a) One percent of its admitted assets in mortgage loans covering any one secured location;

(b) One-quarter of one percent of its admitted assets in construction loans covering any one secured location; or

(c) Two percent of its admitted assets in construction loans in the aggregate.

2. An insurer shall not acquire an investment under NRS 682A.432 if, as a result of and after giving effect to the investment and any outstanding guarantees made by the insurer in connection with the investment, the aggregate amount of investments held by the insurer under NRS 682A.432 plus the guarantees outstanding would exceed:

(a) One percent of its admitted assets in one parcel or group of contiguous parcels of real estate, except that this limitation does not apply to that portion of real estate used for the direct provision of health care services by an accident and health insurer for its insureds, such as hospitals, medical clinics, medical professional buildings or other health facilities used for the purpose of providing health services; or

(b) Fifteen percent of its admitted assets in the aggregate, but not more than 5 percent of its admitted assets as to properties that are to be improved or developed.

3. An insurer shall not acquire an investment pursuant to NRS 682A.430 or 682A.432 if, as a result of and after giving effect to the investment and any guarantees made by the insurer in connection with the investment, the aggregate amount of all investments held by the insurer in accordance with those sections plus the guarantees outstanding would exceed 45 percent of the insurer's admitted assets. An insurer may exceed this limitation by not more than 30 percent of the insurer's admitted assets if:

(a) This increased amount is invested only in residential mortgage loans;

(b) The insurer has not more than 10 percent of the insurer's admitted assets invested in mortgage loans other than residential mortgage loans;

(c) The loan-to-value ratio of each residential mortgage loan does not exceed 60 percent at the time the mortgage loan is qualified pursuant to this increased authority, and the fair market value is supported by an appraisal that is not more than 2 years old and prepared by an independent appraiser;

(d) A single mortgage loan qualified pursuant to this increased authority does not exceed 0.5 percent of the insurer's admitted assets;

(e) The insurer files with the Commissioner, and receives approval from the Commissioner for, a plan that is designed to result in a portfolio of residential mortgage loans that is sufficiently geographically diversified; and

(f) The insurer agrees to file annually with the Commissioner records which demonstrate that the insurer's portfolio of residential mortgage loans is geographically diversified in accordance with the plan.

4. The limitations of NRS 682A.402, 682A.404 and 682A.406 do not apply to an insurer's acquisition of real estate under NRS ~~[682A.432.]~~ *682A.434*. An insurer shall not acquire real estate under NRS ~~[682A.432]~~ *682A.434* if, as a result of and after giving effect to the acquisition, the aggregate amount of real estate held by the insurer in accordance with that section would exceed 10 percent of its admitted assets. With the approval of the Commissioner, additional amounts of real estate may be acquired under NRS ~~[682A.432.]~~ *682A.434*.

Sec. 11. NRS 683A.08522 is hereby amended to read as follows:

683A.08522 Each application for a certificate of registration as an administrator must include or be accompanied by:

1. A financial statement ~~[that is certified by an officer]~~ of the applicant *that has been reviewed by an independent certified public accountant* and ~~[must include:]~~ *which includes:*

(a) ~~[The]~~ *A statement regarding the* amount of money that the applicant expects to collect from or disburse to residents of this state during the next calendar year . ~~[;]~~

(b) Financial information for the 90 days immediately preceding the date the application was filed with the Commissioner . ~~[; and]~~

(c) An income statement and balance sheet for the 2 years immediately preceding the application that are ~~[prepared]~~ *:*

(1) Prepared in accordance with generally accepted accounting principles ~~[. The submission by the applicant of his or her consolidated income statement and balance sheet does not constitute compliance with the provisions of this paragraph.]~~ *; and*

(2) Reviewed by an independent certified public accountant.

(d) A certification of the financial statement by an officer of the applicant.

2. The documents used to create the business association of the administrator, including articles of incorporation, articles of association, a partnership agreement, a trust agreement and a shareholders' agreement.

3. The documents used to regulate the internal affairs of the administrator, including the bylaws, rules or regulations of the administrator.

4. A certificate of registration issued pursuant to NRS 600.350 for a trade name or trademark used by the administrator ~~[.]~~ *, if applicable.*

5. An organizational chart that identifies each person who directly or indirectly controls the administrator and each affiliate of the administrator.

6. A notarized affidavit from each person who manages or controls the administrator, including each member of the board of directors or board of trustees, each officer, partner and member of the business association of the administrator, and each shareholder of the administrator who holds not less than 10 percent of the voting stock of the administrator. The affidavit must include:

(a) The personal history, business record and insurance experience of the affiant;

(b) Whether the affiant has been investigated by any regulatory authority or has had any license or certificate denied, suspended or revoked in any state; and

(c) Any other information that the Commissioner may require.

7. The complete name and address of each office of the administrator, including offices located outside this state.

8. A statement that sets forth whether the administrator has:

(a) Held a license or certificate to transact any kind of insurance in this state or any other state and whether that license or certificate has been refused, suspended or revoked;

(b) Been indebted to any person and, if so, the circumstances of that debt; and

(c) Had an administrative agreement cancelled and, if so, the circumstances of that cancellation.

9. A statement that describes the business plan of the administrator. The statement must include information:

(a) Concerning the number of persons on the staff of the administrator and the activities proposed in this state or in any other state.

(b) That demonstrates the capability of the administrator to provide a sufficient number of experienced and qualified persons for the processing of claims, the keeping of records and, if applicable, underwriting.

10. If the applicant intends to solicit new or renewal business, proof that the applicant employs or has contracted with a producer of insurance licensed in this state to solicit and take applications. An applicant who intends to solicit insurance contracts directly or to act as a producer must provide proof that the applicant is licensed as a producer in this state.

Sec. 12. NRS 683A.08524 is hereby amended to read as follows:

683A.08524 1. Except as otherwise provided in subsection 2 or 3, the Commissioner shall issue a certificate of registration as an administrator to an applicant who:

(a) Submits an application on a form prescribed by the Commissioner;

(b) Has complied with the provisions of NRS 683A.08522; and

(c) Pays the fee for the issuance of a certificate of registration prescribed in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

2. The Commissioner may refuse to issue a certificate of registration as an administrator to an applicant if the Commissioner determines that the applicant or any person who has completed an affidavit pursuant to subsection 6 of NRS 683A.08522:

(a) Is not competent to act as an administrator;

(b) Is not trustworthy or financially responsible;

(c) Does not have a good personal or business reputation;

(d) Has had a license or certificate to transact insurance denied for cause, suspended or revoked in this state or any other state;

(e) Has failed to comply with any provision of this chapter; or

(f) Is financially unsound.

3. ~~[The Commissioner shall submit the information supplied by an applicant pursuant to subsection 1 to]~~ *If an applicant seeks final approval by* the Division of Industrial Relations of the Department of Business and Industry ~~[for final approval]~~ in accordance with ~~[the]~~ regulations adopted pursuant to subsection 8 of NRS 616A.400 ~~[.]~~ *, the Commissioner shall submit to the Division the information supplied by the applicant pursuant to subsection 1*. Unless the Division provides final approval for the applicant to the Commissioner, the Commissioner shall not issue a certificate of registration as an administrator to the applicant.

Sec. 13. NRS 683A.08526 is hereby amended to read as follows:

683A.08526 1. A certificate of registration as an administrator is valid for 3 years after the date the Commissioner issues the certificate to the administrator.

2. An administrator may renew a certificate of registration if the administrator submits to the Commissioner:

(a) An application on a form prescribed by the Commissioner; and

(b) The fee for the renewal of the certificate of registration prescribed in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

~~[3. A certificate of registration that is suspended or revoked must be surrendered immediately to the Commissioner.]~~

Sec. 14. NRS 683A.08528 is hereby amended to read as follows:

683A.08528 1. Not later than 90 days after the expiration of the fiscal year of the administrator, or within such other period as the Commissioner may allow, each holder of a certificate of registration as an administrator shall file with the Commissioner an annual report for that fiscal year. Each annual report must be verified by at least two officers of the administrator.

2. Each annual report filed pursuant to this section must include all the following:

(a) A financial statement of the administrator that has been reviewed by an independent certified public accountant.

(b) The complete name and address of each person, if any, for whom the administrator agreed to act as an administrator during the fiscal year.

(c) A statement regarding the total money handled by the administrator on behalf of contracted entities in connection with his or her activities as an administrator. The statement must be on a form prescribed or approved by the Commissioner for the purpose of calculating the amount of the bond required by NRS 683A.0857.

(d) Any other information required by the Commissioner.

3. Except as otherwise provided in subsection 4, in addition to the information required pursuant to subsection 2, if an annual report is prepared on a consolidated basis, the annual report must include supplemental exhibits that:

(a) Have been reviewed by an independent certified public accountant; and

(b) Include a balance sheet and income statement for each holder of a certificate of registration as an administrator in this State.

4. In lieu of complying with the requirements set forth in paragraphs (a) and (b) of subsection 3, an administrator who is a wholly owned subsidiary of a parent company may submit to the Commissioner:

(a) The financial statement of the parent company that has been audited by an independent certified public accountant; and

(b) A parental guaranty that is signed by an officer of the parent company and which guarantees the financial solvency of the administrator.

5. ~~[Each administrator who files an annual report pursuant to this section shall, at the time of filing the annual report, pay a filing fee in an amount determined by the Commissioner.~~

~~6.]~~ The Commissioner shall, for each administrator, review the annual report that is most recently filed by the administrator. As soon as practicable after reviewing the report, the Commissioner shall ~~[:~~

~~(a) Issue]~~ *issue* a certificate to the administrator ~~[:~~

~~(1) Indicating]~~ *indicating* that, based on the annual report and accompanying financial statement, the administrator ~~[has a positive net worth and]~~ is currently licensed and in good standing in this State . ~~[; or~~

~~(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement; or~~

~~(b) Submit a statement to any electronic database maintained by the National Association of Insurance Commissioners or any affiliate or subsidiary of the Association:~~

~~(1) Indicating that, based on the annual report and accompanying financial statement, the administrator has a positive net worth and is in compliance with existing law; or~~

~~(2) Setting forth any deficiency found by the Commissioner in the annual report and accompanying financial statement.]~~

Sec. 15. NRS 684A.170 is hereby amended to read as follows:

684A.170 1. Every adjuster *who is a resident of this State* shall have and maintain in this state a place of business accessible to the public and from which the licensee principally conducts transactions under his or her license. The address of such place shall appear upon the application for a license and upon the license, when issued, and the licensee shall promptly notify the Commissioner in writing of any change thereof. Nothing in this section shall prohibit the maintenance of such place in the licensee's residence in this state.

2. The license of the licensee and those of associate adjusters employed by the licensee shall be conspicuously displayed in such place of business in a part thereof customarily open to the public.

Sec. 16. NRS 684A.180 is hereby amended to read as follows:

684A.180 1. Each adjuster shall keep at his or her business address shown on the adjuster's license a record of all transactions under the license.

2. The record shall include:

(a) A copy of each contract between an independent adjuster and an insurer or self-insurer.

(b) A copy of all investigations or adjustments undertaken.

(c) A statement of any fee, commission or other compensation received or to be received by the adjuster on account of such investigation or adjustment.

3. The adjuster shall make such records available for examination by the Commissioner at all times, and shall retain the records for at least 3 years ~~[.]~~ *after the closure of the claim to which the records apply.*

4. An independent adjuster shall comply with any record retention policy agreed to in a contract between the independent adjuster and an insurer or self-insurer to the extent that such a policy imposes a requirement to retain records for a longer period than the period required by this section.

Sec. 17. NRS 684A.210 is hereby amended to read as follows:

684A.210 1. The Commissioner may suspend, revoke, limit or refuse to continue any adjuster's license or associate adjuster's license:

(a) For any cause specified in any other provision of this chapter;

(b) For any applicable cause for revocation of the license of a producer of insurance under NRS 683A.451; or

(c) If the licensee has for compensation represented or attempted to represent both the insurer and the insured in the same transaction.

2. The license of a business entity may be suspended, revoked, limited or continuation refused for any cause which relates to any individual designated with respect to the license to exercise its powers.

~~[3. The holder of any license which has been suspended or revoked shall forthwith surrender the license to the Commissioner.]~~

Sec. 18. NRS 684A.220 is hereby amended to read as follows:

684A.220 NRS 683A.451 ~~[,]~~ *and* 683A.461 ~~[and 683A.480]~~ also apply to suspension, revocation, limitation or refusal to continue adjusters' licenses and associate adjusters' licenses, except where in conflict with the express provisions of this chapter.

Sec. 19. NRS 684B.110 is hereby amended to read as follows:

684B.110 1. The Commissioner may suspend, revoke, limit or refuse to continue any motor vehicle physical damage appraiser's license:

(a) For any cause specified in any other provision of this chapter;

(b) For any such applicable cause as for revocation of the license of a producer of insurance under NRS 683A.451; or

(c) If the licensee has for compensation represented or attempted to represent both the insurer and the insured in the same transaction.

2. The license of a business organization may be suspended, revoked, limited or continuation refused for any cause which relates to any individual designated in or with respect to the license to exercise its powers.

~~[3. The holder of any license which has been suspended or revoked shall forthwith surrender the license to the Commissioner.]~~

Sec. 20. NRS 684B.120 is hereby amended to read as follows:

684B.120 NRS 683A.451 ~~[,]~~ *and* 683A.461 ~~[and 683A.480]~~ also apply to suspension, revocation, limitation or refusal to continue motor vehicle physical damage appraiser's licenses, except where in conflict with the express provisions of this chapter.

Sec. 21. Chapter 685A of NRS is hereby amended by adding thereto the provisions set forth as sections 22 and 23 of this act.

Sec. 22. *"Domestic surplus lines insurer" means an insurer which is authorized by the Commissioner to accept surplus lines insurance pursuant to section 23 of this act.*

Sec. 23. *1. An insurer which is domiciled in this State may be designated as a domestic surplus lines insurer by the Commissioner if:*

(a) The insurer possesses capital and surplus of not less than $15,000,000; or

(b) The Commissioner makes an affirmative finding of acceptability pursuant to subsection 3 of NRS 685A.070.

2. A designation by the Commissioner of an insurer as a domestic surplus lines insurer must be in writing.

3. A domestic surplus lines insurer may accept surplus lines insurance in any jurisdiction in which it is eligible.

4. A broker who places surplus lines insurance with a domestic surplus lines insurer shall comply with:

(a) The provisions of NRS 685A.175 and 685A.180; and

(b) All other provisions of this chapter which apply to the export of nonadmitted insurance for an insured for which this State is the home state.

5. Except as otherwise provided by specific statute, the provisions of this Code regarding financial and solvency requirements apply to a domestic surplus lines insurer.

6. The provisions of chapter 686C and 687A of NRS do not apply to a domestic surplus lines insurer.

Sec. 24. NRS 685A.030 is hereby amended to read as follows:

685A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 685A.031 to 685A.039, inclusive, *and section 22 of this act* have the meanings ascribed to them in those sections.

Sec. 25. NRS 685A.0375 is hereby amended to read as follows:

685A.0375 *1.* "Nonadmitted insurer" means an insurer not authorized to engage in the business of insurance in this State.

2. The term includes a domestic surplus lines insurer.

3. The term does not include a risk retention group as that term is defined in 15 U.S.C. § 3901(a)(4).

Sec. 26. NRS 685A.070 is hereby amended to read as follows:

685A.070 1. A broker shall not knowingly place surplus lines insurance with an insurer which is unsound financially or ineligible pursuant to this section.

2. With respect to nonadmitted insurance for insureds for which this State is the home state, except as otherwise provided in this section, an insurer is not eligible to accept surplus lines or independently procured risks pursuant to this chapter unless it has capital and surplus or its equivalent in an amount of not less than $15,000,000 or the minimum capital and surplus requirements pursuant to NRS 680A.120, whichever is greater.

3. The requirements of ~~[subsection]~~ *subsections* 2 *and 4 and of subsection 1 of section 23 of this act* may be satisfied by an insurer possessing less than the minimum capital and surplus upon an affirmative finding of acceptability by the Commissioner. The finding must be based upon such factors as quality of management, capital and surplus of any parent company, company underwriting profit and investment income trends, market availability and company record and reputation within the industry. The Commissioner shall not make an affirmative finding of acceptability when the ~~[nonadmitted]~~ insurer's capital and surplus is less than $4,500,000.

4. *A broker shall not place surplus lines insurance with a domestic surplus lines insurer, and a domestic surplus lines insurer is not eligible to accept surplus lines, unless:*

(a) The domestic surplus lines insurer possesses capital and surplus of not less than $15,000,000; or

(b) The Commissioner has made an affirmative finding of acceptability pursuant to subsection 3.

5. A broker shall not place surplus lines insurance with an alien insurer, unless the alien insurer is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners or, if the alien insurer is not listed on the Quarterly Listing of Alien Insurers, it has and maintains in a bank or trust company which is a member of the United States Federal Reserve System a trust fund established pursuant to terms that are reasonably adequate to protect all of its policyholders in the United States. Such a trust fund must not have an expiration date which is at any time less than 5 years in the future, on a continuing basis. In the case of:

(a) A single alien insurer, such a trust fund must not be less than the greater of $5,400,000 or 30 percent of the gross liabilities of the alien insurer for surplus lines in the United States, excluding any liabilities for aviation, wet marine and transportation insurance, not to exceed $60,000,000, to be determined annually on the basis of accounting practices and procedures that are substantially equivalent to the accounting practices and procedures applicable in this State as of December 31 of the year immediately preceding the date of the determination where:

(1) The liabilities are maintained in an irrevocable trust account in a qualified financial institution in the United States, on behalf of policyholders in the United States, consisting of cash, securities, letters of credit or any other investments of substantially the same character and quality as investments that are eligible investments pursuant to chapter 682A of NRS for the capital and statutory reserves of admitted insurers to write like kinds of insurance in this State. The trust fund, which must be included in any calculation of capital and surplus or its equivalent, must comply with the requirements set forth in the Standard Trust Agreement required for listing with the International Insurers Department of the National Association of Insurance Commissioners;

(2) The alien insurer may request approval by the Commissioner to use the trust fund to pay any valid claim against a surplus line if the balance of the trust fund is not, during any period, less than $5,400,000 or 30 percent of the alien insurer's current gross liabilities for surplus lines in the United States, excluding any liabilities for aviation, wet marine and transportation insurance; and

(3) In calculating the amount of the trust fund required by this subsection, credit must be given for any deposits for any surplus lines that are separately required and maintained within a state or territory of the United States, not to exceed the amount of the alien insurer's loss and loss adjustment reserves maintained in that state or territory.

(b) A group of insurers which includes individual unincorporated insurers, such a trust fund must not be less than $100,000,000.

(c) A group of incorporated insurers under common administration, such a trust fund must not be less than $100,000,000. Each insurer within the group must individually maintain capital and surplus of not less than $25,000,000. The group of incorporated insurers must:

(1) Operate under the supervision of the Department of Trade and Industry of the United Kingdom ~~[;]~~ *or its successor agency;*

(2) Possess aggregate policyholders surplus of $10,000,000,000, which must consist of money in trust in an amount not less than the assuming insurers' liabilities attributable to insurance written in the United States; and

(3) Maintain a joint trusteed surplus of which $100,000,000 must be held jointly for the benefit of United States ceding insurers of any member of the group.

~~[5.]~~ *6.* A foreign insurer must be ~~[authorized]~~ *:*

(a) Authorized in the state of its domicile to write the kinds of insurance which it intends to write in Nevada and for which this State is the home state of the insured ~~[.]~~ *; or*

(b) A domestic surplus lines insurer in the state of its domicile.

Sec. 26.3. NRS 685A.075 is hereby amended to read as follows:

685A.075 1. A nonprofit organization of surplus lines brokers may be formed to:

(a) Facilitate and encourage compliance by its members with the laws of this State and the rules and regulations of the Commissioner concerning surplus lines insurance;

(b) Provide a means for the review of all surplus lines coverage written in this State;

(c) Communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market;

(d) Receive and disseminate to brokers information relative to surplus lines coverages; and

(e) Charge members a filing fee, approved by the Commissioner, for the review of surplus lines coverages.

2. Every such organization shall exercise its powers through a board of directors and shall file with the Commissioner:

(a) A copy of its constitution, articles of agreement or association or certificate of incorporation;

(b) A copy of its bylaws, rules and regulations governing its activities;

(c) A copy of its plan of operations established and approved by the Commissioner;

(d) A current list of its members;

(e) The name and address of a resident of this State upon whom notices or orders of the Commissioner or processes issued at the direction of the Commissioner may be served; and

(f) An agreement that the Commissioner may examine the organization in accordance with the provisions of this section.

3. The Commissioner shall make an examination of the affairs, transactions, accounts, records and assets of such an organization and any of its members as often as the Commissioner deems necessary for the protection of the interests of the people of this State, but no less frequently than once every 3 years. The officers, managers, agents and employees of such an organization may be examined at any time, under oath, and shall provide to the Commissioner all books, records, accounts, documents or agreements governing its method of operation. The Commissioner shall furnish two copies of the examination report to the organization examined and shall notify the organization that it may, within 20 days thereof, request a hearing on the report or on any facts or recommendations set forth therein. If the Commissioner finds such an organization or any member thereof to be in violation of this chapter, the Commissioner may, in addition to any administrative fine or penalty imposed pursuant to this Code, issue an order requiring the discontinuance of such violations. In lieu of an examination conducted pursuant to this subsection, the Commissioner may accept the report of an independent audit of such an organization if the Commissioner deems that an independent audit is in the best interest of the residents of this State.

4. The board of directors of such an organization must consist of not fewer than five persons. ~~[The members of the board]~~ *Directors* must be appointed *in accordance with the bylaws of the organization. Any proposed director may be disapproved* by the Commissioner and ~~[serve]~~ *serves* at the pleasure of the Commissioner.

5. A broker must be a member of such an organization as a condition of continued licensure under this chapter.

Sec. 26.5. NRS 685A.155 is hereby amended to read as follows:

685A.155 ~~[A]~~ *The licensed surplus lines* broker who ~~[places any]~~ *is first engaged by or on behalf of an applicant for* insurance ~~[coverage with an authorized insurer pursuant to subsection 3 of NRS 685A.060]~~ may charge a fee for procuring surplus lines coverage. Except as otherwise provided by agreement between the insurer and *that* broker, *the sum of* the fee *and any other commissions, fees and charges payable to that broker* must not exceed 20 percent of the premium ~~[charged, after deduction of any other commissions, fees and charges payable to the broker.]~~ *paid by the insured.*

Sec. 27. NRS 685A.220 is hereby amended to read as follows:

685A.220 In addition to those referred to in other provisions of this chapter, the following provisions of chapter 683A of NRS, to the extent applicable and not inconsistent with the express provisions of this chapter, also apply to surplus lines brokers:

1. NRS 683A.341;
2. NRS 683A.361;
3. NRS 683A.400;
4. NRS 683A.451;
5. NRS 683A.461;
6. ~~[NRS 683A.480;~~

~~7.]~~ NRS 683A.490; and

~~[8.]~~ *7.* NRS 683A.520.

Sec. 28. 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, 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."

Sec. 29. NRS 686B.112 is hereby amended to read as follows:

686B.112 1. The Commissioner shall *perform an actuarial review of and* consider each ~~[proposed increase or decrease in the]~~ rate *filing* of a health plan issued pursuant to the provisions of chapter 689A, 689B, 689C, 695B, 695C, 695D or 695F of NRS, including, without limitation, long-term care and Medicare supplement plans, filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed ~~[increase]~~ *rate which is contained in a rate filing* will result in a rate which is not in compliance with NRS 686B.050 or subsection 3 of NRS 686B.070, the Commissioner shall disapprove the ~~[proposal.]~~ *rate filing.* The Commissioner shall approve or disapprove each ~~[proposal]~~ *rate filing* not later than 60 days after the ~~[proposal]~~ *rate filing* is determined by the Commissioner to be complete pursuant to subsection 4. If the Commissioner fails to approve or disapprove the ~~[proposal]~~ *rate filing* within that period, the ~~[proposal]~~ *rate filing* shall be deemed approved.

2. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

3. If the Commissioner disapproves a ~~[proposed]~~ rate *filing* pursuant to subsection 1, and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the ~~[proposed]~~ rate *filing* for which the hearing is held within 45 days after the hearing, the ~~[proposed]~~ rate *filing* shall be deemed approved.

4. The Commissioner shall by regulation specify the documents or any other information which must be included in ~~[a proposal to increase or~~

~~decrease]~~ a rate *filing* submitted to the Commissioner pursuant to subsection 1. Each such ~~[proposal]~~ *rate filing* shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the ~~[proposal]~~ *rate filing* is filed with the Commissioner, determines that the ~~[proposal]~~ *rate filing* is incomplete because the ~~[proposal]~~ *rate filing* does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

5. The Commissioner may assess against an insurer the actual cost for the external actuarial review of ~~[a proposal to increase or decrease]~~ a rate filing submitted pursuant to subsection 1.

Sec. 30. NRS 689.160 is hereby amended to read as follows:

689.160 1. The provisions of NRS 683A.341, 683A.451, 683A.461 ~~[, 683A.480]~~ and 686A.010 to 686A.310, inclusive, 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."

Sec. 31. 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, 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."

Sec. 32. NRS 690B.150 is hereby amended to read as follows:

690B.150 An insurer who issues policies of insurance for home protection, other than casualty insurance, shall file ~~[the]~~ *:*

1. The annual statement required by NRS 680A.270 in the form prescribed by the Commissioner on or before March 1 of each year to cover the preceding calendar year ~~[.]~~ *; and*

2. The quarterly statements required by NRS 680A.270 in accordance with the provisions of subsection 5 of that section.

Sec. 33. 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 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; *and*

(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 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 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 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 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.

Sec. 34. NRS 690C.160 is hereby amended to read as follows:

690C.160 1. A provider who wishes to issue, sell or offer for sale service contracts in this state must submit to the Commissioner:

(a) A registration application on a form prescribed by the Commissioner;

(b) Proof that the provider has complied with the requirements for financial security set forth in NRS 690C.170;

(c) A copy of each type of service contract the provider proposes to issue, sell or offer for sale;

(d) The name, address and telephone number of each administrator with whom the provider intends to contract;

(e) A fee of ~~[$1,000]~~ *$2,000* and ~~[, in addition to any other fee or charge,]~~ all applicable fees required pursuant to NRS 680C.110 ~~[.]~~ *to be paid at the time of application;* and

(f) The following information for each controlling person:

(1) Whether the person, in the last 10 years, has been:

(I) Convicted of a felony or misdemeanor of which an essential element is fraud;

(II) Insolvent or adjudged bankrupt;

(III) Refused a license or registration as a service contract provider or had an existing license or registration as a service contract provider suspended or revoked by any state or governmental agency or authority; or

(IV) Fined by any state or governmental agency or authority in any matter regarding service contracts; and

(2) Whether there are any pending criminal actions against the person other than moving traffic violations.

2. In addition to the fee required by subsection 1, a provider must pay a fee of $25 for each type of service contract the provider files with the Commissioner.

3. *Each year, not later than the anniversary date of his or her certificate of registration, a provider must pay the annual fee required pursuant to NRS 680C.110 in addition to any other fee required pursuant to this section.*

4. A certificate of registration is valid for ~~[1 year]~~ *2 years* after the date the Commissioner issues the certificate to the provider. A provider may renew his or her certificate of registration if, *not later than 60 days* before the certificate expires, the provider submits to the Commissioner:

(a) An application on a form prescribed by the Commissioner;

(b) A fee of ~~[$1,000]~~ *$2,000* and, in addition to any other fee or charge, all applicable fees required pursuant to ~~[NRS 680C.110;]~~ *subsection 3;* and

(c) The information required by paragraph (f) of subsection 1:

(1) If an existing controlling person has had a change in any of the information previously submitted to the Commissioner; or

(2) For a controlling person who has not previously submitted the information required by paragraph (f) of subsection 1 to the Commissioner.

~~[4.]~~ *5.* All fees paid pursuant to this section are nonrefundable.

~~[5.]~~ *6.* Each application submitted pursuant to this section, including, without limitation, an application for renewal, must:

(a) Be signed by an executive officer, if any, of the provider or, if the provider does not have an executive officer, by a controlling person of the provider; and

(b) Have attached to it an affidavit signed by the person described in paragraph (a) which meets the requirements of subsection ~~[6.~~ ~~6.]~~ *7.*

7. Before signing the application described in subsection ~~[5,]~~ *6*, the person who signs the application shall verify that the information provided is accurate to the best of his or her knowledge.

Sec. 35. Chapter 694C of NRS is hereby amended by adding thereto the provisions set forth as sections 36 and 37 of this act.

Sec. 36. *"Dormant captive insurer" means any captive insurer that has been issued a certificate of dormancy by the Commissioner pursuant to section 37 of this act.*

Sec. 37. *1. A captive insurer which ceases to transact the business of insurance, including, without limitation, the issuance of insurance policies and the assumption of reinsurance, may apply to the Commissioner for a certificate of dormancy.*

2. Upon application by a captive insurer pursuant to subsection 1, the Commissioner may issue a certificate of dormancy to the captive insurer. The Commissioner may issue a certificate of dormancy to a captive insurer even if the captive insurer retains liabilities that are associated with policies that were written or assumed by the captive insurer provided that the captive insurer has otherwise ceased to transact the business of insurance.

3. A dormant captive insurer shall:

(a) Possess and thereafter maintain unimpaired paid-in capital and surplus of not less than $25,000.

(b) Pursuant to NRS 694C.230, pay an annual fee and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 for the renewal of a license.

(c) Be subject to examination for any year for which the dormant captive insurer is not in compliance with the provisions of this section.

4. A dormant captive insurer may:

(a) At the discretion of the Commissioner, be subject to examination for any year for which the dormant captive insurer is in compliance with the provisions of this section.

(b) Continue to adjudicate and settle insurance claims under any contract of insurance or reinsurance that the captive insurer issued during any period in which the captive insurer was not a dormant captive insurer. The effective date of such a contract of insurance or reinsurance must be before the date on which the Commissioner issued a certificate of dormancy to the captive insurer.

5. A dormant captive insurer is not:

(a) Subject to or liable for the payment of any tax pursuant to NRS 694C.450.

(b) Required to:

(1) Prepare audited financial statements;

(2) Obtain actuarial certifications or opinions; or

(3) File annual reports with the Commissioner pursuant to NRS 694C.400.

6. A certificate of dormancy is subject to renewal after 5 years and is forfeited if not renewed within that period.

7. Except as otherwise provided by this section, before issuing any insurance policy or otherwise transacting the business of insurance, a dormant captive insurer must apply to the Commissioner for approval to surrender its certificate of dormancy and resume transacting the business of insurance.

8. The Commissioner shall revoke the certificate of dormancy of a dormant captive insurer that is not in compliance with the provisions of this section.

9. The Commissioner may adopt regulations necessary to carry out the provisions of this section.

Sec. 38. NRS 694C.010 is hereby amended to read as follows:

694C.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 694C.020 to 694C.150, inclusive, *and section 36 of this act* have the meanings ascribed to them in those sections.

Sec. 39. NRS 694C.050 is hereby amended to read as follows:

694C.050 "Association captive insurer" means a captive insurer that only insures risks of the member organizations of an association and the affiliated companies of those members ~~[, including groups formed pursuant to the Product Liability Risk Retention Act of 1981, as amended, 15 U.S.C. §§ 3901 et seq.,]~~ if:

1. The association or the member organizations of the association:

(a) ~~[Own,]~~ *Have complete* control ~~[or hold with]~~ *over* the power to vote all the outstanding voting securities of the association captive insurer, if the association captive insurer is incorporated as a stock insurer; or

(b) Have complete voting control over the captive insurer, if the captive insurer is formed as a mutual insurer; and

2. The member organizations of the association collectively constitute all the subscribers of the captive insurer, if the captive insurer is formed as a reciprocal insurer.

Sec. 40. NRS 694C.060 is hereby amended to read as follows:

694C.060 "Captive insurer" means ~~[any]~~ *:*

1. Any pure captive insurer, association captive insurer, agency captive insurer, rental captive insurer and sponsored captive insurer licensed pursuant to this chapter. The term includes a pure captive insurer who, unless otherwise provided by the Commissioner, is a branch captive insurer with respect to operations in this State.

2. Any state-chartered risk retention group.

Sec. 41. NRS 694C.149 is hereby amended to read as follows:

694C.149 "State-chartered risk retention group" means any risk retention group that is formed in accordance with the laws of this State . ~~[as an association captive insurer.]~~

Sec. 42. NRS 694C.160 is hereby amended to read as follows:

694C.160 1. The terms and conditions set forth in chapter 696B of NRS pertaining to insurance reorganization, receiverships and injunctions apply to captive insurers incorporated pursuant to this chapter.

2. An agency captive insurer, a rental captive insurer and an association captive insurer are subject to those provisions of chapter 686A of NRS which are applicable to insurers.

3. A state-chartered risk retention group is subject to the following:

(a) The provisions of NRS 681A.250 to 681A.580, inclusive, regarding intermediaries;

(b) The provisions of NRS 681B.550 regarding risk-based capital;

(c) The provisions of chapter 683A of NRS regarding managing general agents; ~~[and]~~

(d) *The provisions of chapter 686A of NRS which are applicable to insurers; and*

(e) The provisions of NRS 693A.110 and any regulations adopted pursuant thereto regarding management and agency contracts of insurers.

Sec. 43. NRS 694C.180 is hereby amended to read as follows:

694C.180 1. Unless otherwise approved by the Commissioner, a pure captive insurer, an agency captive insurer, a rental captive insurer or a sponsored captive insurer must be incorporated as a stock insurer.

2. An association captive insurer *or a state-chartered risk retention group* must be formed as a:

(a) Stock insurer;

(b) Mutual insurer; or

(c) Reciprocal insurer, except that its attorney-in-fact must be a corporation incorporated in this State.

3. A captive insurer shall have not less than three incorporators or organizers, at least one of whom must be a resident of this State.

4. Before the articles of incorporation of a captive insurer may be filed with the Secretary of State, the Commissioner must approve the articles of incorporation. In determining whether to grant that approval, the Commissioner shall consider:

(a) The character, reputation, financial standing and purposes of the incorporators or organizers;

(b) The character, reputation, financial responsibility, experience relating to insurance and business qualifications of the officers and directors of the captive insurer;

(c) The competence of any person who, pursuant to a contract with the captive insurer, will manage the affairs of the captive insurer;

(d) The competence, reputation and experience of the legal counsel of the captive insurer relating to the regulation of insurance;

(e) If the captive insurer is a rental captive insurer, the competence, reputation and experience of the underwriter of the captive insurer;

(f) The business plan of the captive insurer; and

(g) Such other aspects of the captive insurer as the Commissioner deems advisable.

5. The capital stock of a captive insurer incorporated as a stock insurer must be issued at not less than par value.

6. At least one member of the board of directors of a captive insurer formed as a corporation, or one member of the subscribers advisory committee or the attorney-in-fact of a captive insurer formed as a reciprocal insurer, must be a resident of this State.

7. A captive insurer formed pursuant to the provisions of this chapter has the privileges of, and is subject to, the provisions of general corporation law set forth in chapter 78 of NRS and, if formed as a nonprofit corporation, the provisions set forth in chapter 82 of NRS, as well as the applicable provisions contained in this chapter. If the provisions of this chapter conflict with the general provisions in chapter 78 or 82 of NRS governing corporations, the provisions of this chapter control. The provisions of chapter 693A of NRS relating to mergers, consolidations, conversions, mutualizations and transfers of domicile to this State apply to determine the procedures to be followed by captive insurers in carrying out any of those transactions in accordance with this chapter.

8. The articles of association, articles of incorporation, charter or bylaws of a captive insurer formed as a corporation must require that a quorum of the board of directors consists of not less than one-third of the number of directors prescribed by the articles of association, articles of incorporation, charter or bylaws.

9. The agreement of the subscribers or other organizing document of a captive insurer formed as a reciprocal insurer must require that a quorum of its subscribers advisory committee consists of not less than one-third of the number of its members.

Sec. 44. NRS 694C.250 is hereby amended to read as follows:

694C.250 1. A captive insurer must not be issued a license, and shall not hold a license, unless the captive insurer has and maintains, in addition to any other capital or surplus required to be maintained pursuant to subsection 3, unimpaired paid-in capital and unencumbered surplus of:

(a) For a pure captive insurer, not less than $200,000;

(b) For an association captive insurer, not less than $500,000;

(c) For an agency captive insurer, not less than $600,000;

(d) For a rental captive insurer, not less than $800,000; ~~[and]~~

(e) For a sponsored captive insurer, not less than $500,000 ~~[.]~~ *; and*

(f) For a state-chartered risk retention group, not less than $500,000.

2. Except as otherwise provided by the Commissioner pursuant to subsection 3, the capital and surplus required to be maintained pursuant to this section must be in the form of cash or an irrevocable letter of credit.

3. The Commissioner may prescribe additional requirements relating to capital or surplus based on the type, volume and nature of the insurance business that is transacted by the captive insurer and requirements regarding

which capital and surplus, if any, may be in the form of an irrevocable letter of credit.

4. A letter of credit used by a captive insurer as evidence of capital and surplus required pursuant to this section must:

(a) Be issued by a bank chartered by this State or a bank that is a member of the United States Federal Reserve System and has been approved by the Commissioner; and

(b) Include a provision pursuant to which the letter of credit is automatically renewable each year, unless the issuer gives written notice to the Commissioner and the captive insurer at least 90 days before the expiration date.

5. A surplus note used by a captive insurer as evidence of capital and surplus required pursuant to this section must:

(a) Be subject to strict control by the Commissioner and have been approved by the Commissioner as to form and content.

(b) Be subordinate to:

(1) Policyholders;

(2) Claims by claimants and beneficiaries under policies; and

(3) All other classes of creditors pursuant to paragraph (k) of subsection 1 of NRS 696B.420.

(c) Require prior approval of the Commissioner for any:

(1) Payment of interest; and

(2) Repayment of principal.

(d) Be accompanied by proceeds which are received by the captive insurer in the form of:

(1) Cash; or

(2) Other assets that:

(I) Are acceptable to the Commissioner;

(II) Have values that are readily determined; and

(III) Have liquidity that is satisfactory to the Commissioner.

(e) Be accounted for in such a manner that interest shall not be recorded as a liability or an expense until approval for payment of such interest has been granted by the Commissioner.

Sec. 45. NRS 694C.270 is hereby amended to read as follows:

694C.270 1. The Commissioner may suspend or revoke the license of a captive insurer if, after ~~[an examination and]~~ *a* hearing, the Commissioner determines that:

(a) The captive insurer:

(1) Is insolvent or has impaired its required capital or surplus;

(2) Has failed to meet a requirement of NRS 694C.250, 694C.320 or 694C.330;

(3) Has refused or failed to submit an annual report, as required by NRS 694C.400, or any other report or statement required by law or by order of the Commissioner;

(4) Has failed to comply with the provisions of its charter or bylaws;

(5) Has failed to submit to an examination required pursuant to NRS 694C.410;

(6) Has refused or failed to pay the cost of an examination required pursuant to NRS 694C.410;

(7) Has used any method in transacting insurance pursuant to this chapter which is detrimental to the operation of the captive insurer or would make its condition unsound with respect to its policyholders or the general public; or

(8) Has failed *to pay taxes on premiums as required by NRS 694C.450 or* otherwise to comply with the laws of this State; and

(b) The suspension or revocation of the license of the captive insurer is in the best interest of its policyholders or the general public.

2. The provisions of NRS 679B.310 to 679B.370, inclusive, apply to hearings conducted pursuant to this section.

Sec. 46. NRS 694C.300 is hereby amended to read as follows:

694C.300 1. Except as otherwise provided in this section, a captive insurer licensed pursuant to this chapter may transact any form of insurance described in NRS 681A.020 to 681A.080, inclusive.

2. A captive insurer licensed pursuant to this chapter:

(a) Shall not directly provide personal motor vehicle or homeowners' insurance coverage, or any component thereof.

(b) Shall not accept or cede reinsurance, except as otherwise provided in NRS 694C.350.

(c) May provide excess workers' compensation insurance to its parent and affiliated companies, unless otherwise prohibited by the laws of the state in which the insurance is transacted.

(d) May reinsure workers' compensation insurance provided pursuant to a program of self-funded insurance of its parent and affiliated companies if:

(1) The parent or affiliated company which is providing the self-funded insurance is certified as a self-insured employer by the Commissioner, if the insurance is being transacted in this State; or

(2) The program of self-funded insurance is otherwise qualified pursuant to, or in compliance with, the laws of the state in which the insurance is transacted.

3. A pure captive insurer shall not insure any risks other than those of its parent and affiliated companies or controlled unaffiliated businesses.

4. An association captive insurer shall not insure any risks other than those of the member organizations of its association and the affiliated companies of the member organizations.

5. *A state-chartered risk retention group shall not insure any risks other than those of the members of its association.*

6. An agency captive insurer shall not insure any risks other than those of the policies that are placed by or through the insurance agency or brokerage that owns the captive insurer.

~~[6.]~~ *7.* A rental captive insurer shall not insure any risks other than those of the policyholders or associations that have entered into agreements with the

rental captive insurer for the insurance of those risks. Such agreements must be in a form which has been approved by the Commissioner.

~~[7.]~~ *8.* A sponsored captive insurer shall not insure any risks other than those of its participants.

~~[8.]~~ *9.* As used in this section, "excess workers' compensation insurance" means insurance in excess of the specified per-incident or aggregate limit, if any, established by:

(a) The Commissioner, if the insurance is being transacted in this State; or

(b) The chief regulatory officer for insurance in the state in which the insurance is being transacted.

Sec. 47. NRS 694C.310 is hereby amended to read as follows:

694C.310 1. The board of directors of a captive insurer shall meet at least once each year in this State. The captive insurer shall:

(a) Maintain its principal place of business in this State; and

(b) Appoint a resident of this State as a registered agent to accept service of process and otherwise act on behalf of the captive insurer in this State. If the registered agent cannot be located with reasonable diligence for the purpose of serving a notice or demand on the captive insurer, the notice or demand may be served on the Secretary of State who shall be deemed to be the agent for the captive insurer.

2. A captive insurer shall not transact insurance in this State unless:

(a) The captive insurer has made adequate arrangements with ~~[a]~~ *:*

(1) A state-chartered bank, a state-chartered credit union or a thrift company licensed pursuant to chapter 677 of NRS that is located in this State; or

(2) A federally chartered bank *that has a branch which is* located in this State ,

➥ that is authorized pursuant to state or federal law to transfer money . ~~[;]~~

(b) If the captive insurer employs or has entered into a contract with a natural person or business organization to manage the affairs of the captive insurer, the natural person or business organization meets the standards of competence and experience satisfactory to the Commissioner . ~~[;]~~

(c) The captive insurer employs or has entered into a contract with a qualified and experienced certified public accountant who is approved by the Commissioner or a firm of certified public accountants that is nationally recognized . ~~[;]~~

(d) The captive insurer employs or has entered into a contract with qualified, experienced actuaries who are approved by the Commissioner to perform reviews and evaluations of the operations of the captive insurer . ~~[; and]~~

(e) The captive insurer employs or has entered into a contract with an attorney who is licensed to practice law in this State and who meets the standards of competence and experience in matters concerning the regulation of insurance in this State established by the Commissioner by regulation.

Sec. 48. NRS 694C.330 is hereby amended to read as follows:

694C.330 *1.* Except as otherwise provided in this section, a captive insurer shall pay dividends out of, or make any other distributions from, its capital or surplus, or both, in accordance with the provisions set forth in NRS 692C.370, 693A.140, 693A.150 and 693A.160.

2. A captive insurer *other than a state-chartered risk retention group* shall not pay *extraordinary* dividends out of, or make any other *extraordinary* distribution with respect to, its capital or surplus, or both, in violation of this section unless the captive insurer has obtained the prior approval of the Commissioner to make such a payment or distribution. *As used in this subsection, "extraordinary dividend" and "extraordinary distribution" mean any dividend or distribution of cash or other property, the fair market value of which, together with that of other dividends or distributions within the preceding 12 months, exceeds the greater of:*

(a) Ten percent of the surplus of the captive insurer as of December 31 next preceding the date of the dividend or distribution; or

(b) The net income of the captive insurer for the 12-month period ending December 31 next preceding the date of the dividend or distribution.

3. A state-chartered risk retention group shall not pay any dividend or distribution without prior approval of the Commissioner.

Sec. 49. NRS 694C.340 is hereby amended to read as follows:

694C.340 1. Except as otherwise provided in this section and NRS 694C.382, an association captive insurer, an agency captive insurer, a rental captive insurer , ~~[or]~~ a sponsored captive insurer *or a state-chartered risk retention group* shall comply with the requirements relating to investments set forth in chapter 682A of NRS. Upon the request of the association captive insurer, agency captive insurer, rental captive insurer , ~~[or]~~ sponsored captive insurer ~~[,]~~ *or state-chartered risk retention group,* the Commissioner may approve the use of reliable, alternative methods of valuation and rating.

2. A pure captive insurer is not subject to any restrictions on allowable investments, except that the Commissioner may prohibit or limit any investment that threatens the solvency or liquidity of the pure captive insurer.

3. A pure captive insurer may make a loan to its parent or affiliated company if the loan:

(a) Is first approved in writing by the Commissioner;

(b) Is evidenced by a note that is in a form that is approved by the Commissioner; and

(c) Does not include any money that has been set aside as capital or surplus as required by subsection 1 of NRS 694C.250.

Sec. 50. NRS 694C.390 is hereby amended to read as follows:

694C.390 1. In addition to the information required pursuant to NRS 694C.210, a state-chartered risk retention group ~~[being formed as an association captive insurer]~~ must submit to the Commissioner in summary form:

(a) The identities of:

(1) All members of the group;

(2) All organizers of the group;

(3) Those persons who will provide administrative services to the group; and

(4) Any person who will influence or control the activities of the group;

(b) The amount and nature of initial capitalization of the group;

(c) The coverages to be offered by the group; and

(d) Each state in which the group intends to operate.

2. Before it may transact insurance in any state, the state-chartered risk retention group must submit to the Commissioner, for approval by the Commissioner, a plan of operation. The risk retention group shall submit an appropriate revision in the event of any subsequent material change in any item of the plan of operation within 10 days after the change. The group shall not offer any additional kinds of liability insurance, in this State or in any other state, until a revision of the plan is approved by the Commissioner.

3. A state-chartered risk retention group chartered in this State must file with the Commissioner on or before March 1 of each year a statement containing information concerning the immediately preceding year which must:

(a) Be submitted in a form prescribed by the National Association of Insurance Commissioners;

(b) Be prepared in accordance with the Annual Statement Instructions for the type of insurer to be reported on as adopted by the National Association of Insurance Commissioners for the year in which the insurer files the statement;

(c) Utilize accounting principles in a manner that remains consistent among financial statements submitted each year and that are substantively identical to:

(1) Generally accepted accounting principles, including any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner; or

(2) Statutory accounting principles, as described in the Accounting Practices and Procedures Manual adopted by the National Association of Insurance Commissioners effective on January 1, 2001, and as amended by the National Association of Insurance Commissioners after that date; and

(d) Be submitted electronically, if required by the Commissioner.

4. The Commissioner shall transmit to the National Association of Insurance Commissioners a copy of:

(a) All information submitted by a state-chartered risk retention group to the Commissioner pursuant to subsections 1 and 3; and

(b) Any revisions to a plan of operation submitted to the Commissioner pursuant to subsection 2.

Sec. 51. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before March 1 of each year, a captive insurer shall submit to the Commissioner a report of its financial condition. A captive

insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer shall file its report in the form required by *the Commissioner. Each state-chartered risk retention group shall file its report in the form required by* NRS 680A.270. The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. Each captive insurer other than a state-chartered risk retention group shall submit to the Commissioner, on or before June 30 of each year, an annual audit as of December 31 of the preceding calendar year that is certified by a certified public accountant who is not an employee of the insurer. An annual audit submitted pursuant to this subsection must comply with the requirements set forth in regulations adopted by the Commissioner which govern such an annual audit ~~[.]~~ *, including, without limitation, criteria for extensions and exemptions.*

3. Each state-chartered risk retention group shall file a financial statement pursuant to NRS 680A.265.

4. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted, the annual report is due not later than 60 days after the end of each such fiscal year.

5. A pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

6. Any captive insurer failing, without just cause beyond the reasonable control of the captive insurer, to file its annual report of financial condition as required by subsection 1, its annual audit as required by subsection 2 or its financial statement as required by subsection 3 shall pay a penalty of $100 for each day the captive insurer fails to file the report of financial condition, the annual audit or the financial statement, but not to exceed an aggregate amount of $3,000, to be recovered in the name of the State of Nevada by the Attorney General.

7. Any director, officer, agent or employee of a captive insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 52. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

A corporation which has been issued a certificate of authority pursuant to this chapter shall maintain and report on its statement filed with the

Commissioner pursuant to NRS 695B.160 a net worth in an amount which is not less than the greater of:

1. One million five hundred thousand dollars;

2. Two percent of the first $150,000,000 earned as revenue from premiums collected in the preceding 12-month period, plus 1 percent of the amount in excess of $150,000,000 earned as revenue from premiums collected in that same period; or

3. The amount of risk-based capital required by regulations adopted by the Commissioner pursuant to NRS 681B.550.

Sec. 53. NRS 695B.160 is hereby amended to read as follows:

695B.160 1. Every corporation subject to the provisions of this chapter shall annually:

(a) On or before March 1, file in the Office of the Commissioner a statement verified by at least two of the principal officers of the corporation, showing its condition and affairs as of December 31 of the preceding calendar year. The statement must be in the form required by the Commissioner and must contain statements relative to the matters required to be established as a condition precedent to maintaining or operating a nonprofit hospital, medical or dental service plan and to other matters which the Commissioner may prescribe.

(b) Pay all applicable fees for the renewal of a certificate of authority and the fee for the filing of an annual statement.

2. *Every corporation subject to the provisions of this chapter shall file a financial statement pursuant to NRS 680A.265, as required pursuant to paragraph (c) of subsection 1 of NRS 680A.265.*

3. Every corporation subject to the provisions of this chapter shall file with the Commissioner and the National Association of Insurance Commissioners a quarterly statement in the form most recently adopted by the National Association of Insurance Commissioners for that type of insurer. The quarterly statement must be:

(a) Prepared in accordance with the instructions which are applicable to that form, including, without limitation, the required date of submission for the form; and

(b) Filed by electronic means.

4. The Commissioner may examine, as often as the Commissioner deems it desirable, the affairs of every corporation subject to the provisions of this chapter. The Commissioner shall, if practicable, examine each such corporation at least once in every 3 years, and in any event, at least once in every 5 years, as to its condition, fulfillment of its contractual obligations and compliance with applicable laws. ~~[For examining the financial condition of every such corporation the Commissioner shall collect the]~~ *The* actual expenses of the examination ~~[. Such expenses]~~ must be paid by the corporation ~~[.]~~ *in accordance with the provisions of NRS 679B.290.* The Commissioner shall refuse to issue a certificate of authority or shall revoke a certificate of authority issued to any corporation which neglects or refuses to pay such expenses.

Sec. 54. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

A health maintenance organization which has been issued a certificate of authority pursuant to this chapter shall maintain and report on each financial statement filed with the Commissioner pursuant to NRS 695C.210 a net worth in an amount which is not less than the greatest of:

1. One million five hundred thousand dollars;

2. Two percent of the first $150,000,000 earned as revenue from premiums collected in the preceding 12-month period, plus 1 percent of the amount in excess of $150,000,000 earned as revenue from premiums collected in that same period; or

3. The amount of risk-based capital required by regulations adopted by the Commissioner pursuant to NRS 681B.550.

Sec. 55. NRS 695C.055 is hereby amended to read as follows:

695C.055 1. The provisions of NRS 449.465, 679A.200, 679B.700, subsections ~~[6 and]~~ 7 *and 8* of NRS 680A.270, subsections 2, 4, 18, 19 and 32 of NRS 680B.010, NRS 680B.020 to 680B.060, inclusive, chapter 686A of NRS, NRS *686B.010 to 686B.1799, inclusive, and* 687B.500 and chapters 692C and 695G of NRS apply to a health maintenance organization.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to insurers, any reference in those sections to "insurer" must be replaced by "health maintenance organization."

Sec. 55.5. NRS 695C.057 is hereby amended to read as follows:

695C.057 1. A health maintenance organization is subject to the provisions of NRS *689A.470 to 689A.740, inclusive,* 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance offered by such organizations. If there is a conflict between the provisions of this chapter and the provisions of NRS *689A.470 to 689A.740, inclusive,* 689B.340 to 689B.580, inclusive, and chapter 689C of NRS, the provisions of NRS *689A.470 to 689A.740, inclusive,* 689B.340 to 689B.580, inclusive, and chapter 689C of NRS control.

2. For the purposes of subsection 1, unless the context requires that a provision apply only to a group health plan or a carrier that provides coverage under a group health plan, any reference in those sections to "group health plan" or "carrier" must be replaced by "health maintenance organization."

Sec. 56. NRS 695C.210 is hereby amended to read as follows:

695C.210 1. Every health maintenance organization shall file with the Commissioner on or before March 1 of each year a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization.

2. The report must be on forms prescribed by the Commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information submitted pursuant to NRS 695C.070;

(c) The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year and, if requested by the Commissioner, a compilation of the reasons for such terminations;

(d) The number and amount of malpractice claims initiated against the health maintenance organization and any of the providers used by it during the year broken down into claims with and without form of legal process, and the disposition, if any, of each such claim, if requested by the Commissioner;

(e) A summary of information compiled pursuant to paragraph (c) of subsection 1 of NRS 695C.080 in such form as required by the Commissioner; and

(f) Such other information relating to the performance of the health maintenance organization as is necessary to enable the Commissioner to carry out his or her duties pursuant to this chapter.

3. Every health maintenance organization shall file with the Commissioner annually an audited financial statement of the organization ~~[prepared by an independent certified public accountant. The statement must cover the preceding 12-month period and must be filed with the Commissioner within 120 days after the end of the organization's fiscal year.]~~ *in accordance with the provisions of subsection 1 of NRS 680A.265.* Upon written request, the Commissioner may grant a 30-day extension.

4. *Every health maintenance organization shall file with the Commissioner and the National Association of Insurance Commissioners a quarterly statement in the form most recently adopted by the National Association of Insurance Commissioners for that type of insurer. The quarterly statement must be:*

(a) Prepared in accordance with the instructions which are applicable to that form, including, without limitation, the required date of submission for the form; and

(b) Filed by electronic means.

5. If an organization fails to file timely ~~[the]~~ *a* report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

~~[5.]~~ *6.* The Commissioner may grant a reasonable extension of time for filing ~~[the]~~ *any* report or ~~[financial]~~ statement required by this section, if the request for an extension is submitted in writing and shows good cause.

Sec. 57. NRS 695C.310 is hereby amended to read as follows:

695C.310 1. The Commissioner shall make an examination of the affairs of any health maintenance organization and providers with whom such organization has contracts, agreements or other arrangements pursuant to its health care plan as often as the Commissioner deems it necessary for the

protection of the interests of the people of this State, but not less frequently than once every 3 years.

2. The Commissioner shall make an examination concerning any compliance program used by a health maintenance organization and any report, as determined to be appropriate by the Commissioner, regarding the health maintenance organization produced by an organization which examines best practices in the insurance industry. The Commissioner shall make such an examination as often as the Commissioner deems it necessary for the protection of the interests of the people of this State, but not less frequently than once every 3 years.

3. In making an examination pursuant to subsection 1 or 2, the Commissioner:

(a) Shall determine whether the health maintenance organization is in compliance with this Code, including, without limitation, whether any relationship or transaction between the health maintenance organization and any other health maintenance organization is in compliance with this Code; and

(b) May examine any account, record, document or transaction of any health maintenance organization or any provider which relates to:

(1) Compliance with this Code by the health maintenance organization which is the subject of the examination;

(2) Any relationship or transaction between the health maintenance organization which is the subject of the examination and any other health maintenance organization; or

(3) Any relationship or transaction between the health maintenance organization which is the subject of the examination and any provider.

4. Except as otherwise provided in this subsection, for the purposes of an examination pursuant to subsection 1 or 2, each health maintenance organization and provider shall, upon the request of the Commissioner or an examiner designated by the Commissioner, submit its books and records relating to any applicable health care plan to the Commissioner or the examiner, as applicable. Medical records of natural persons and records of physicians providing service pursuant to a contract with a health maintenance organization are not subject to such examination, although the records, except privileged medical information, are subject to subpoena upon a showing of good cause. For the purpose of examinations, the Commissioner may administer oaths to and examine the officers and agents of a health maintenance organization and the principals of providers concerning their business.

5. The expenses of examinations pursuant to this section must be assessed ~~[against the health maintenance organization being examined and remitted to the Commissioner.]~~ *, billed and paid in accordance with the provisions of NRS 679B.290.*

6. In lieu of an examination pursuant to this section, the Commissioner may accept the report of an examination made by the insurance commissioner of another state or an applicable regulatory agency of another state.

Sec. 58. Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:

An organization for dental care which has been issued a certificate of authority pursuant to this chapter shall maintain a capital account with a net worth in an amount which is not less than the greater of:

1. The amount of risk-based capital required by regulations adopted by the Commissioner pursuant to NRS 681B.550; or

2. The following applicable amount, according to the number of members in the organization:

Number of members	
Less than 2,500	*$50,000*
At least 2,500 but not more than 5,000	*75,000*
More than 5,000	*125,000*

Sec. 59. NRS 695D.260 is hereby amended to read as follows:

695D.260 1. Every organization for dental care shall file with the Commissioner on or before March 1 of each year a report covering its activities for the preceding calendar year. The report must be verified by at least two officers of the organization.

2. The report must be on a form prescribed by the Commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year.

(b) Any material changes in the information given in the previous report.

(c) The number of members enrolled in that year, the number of members whose coverage has been terminated in that year and the total number of members at the end of the year.

(d) The costs of all goods, services and dental care provided that year.

(e) Any other information relating to the plan for dental care requested by the Commissioner.

3. Every organization for dental care shall file with the Commissioner annually an audited financial statement ~~[prepared by an independent certified public accountant. The statement must cover the most recent fiscal year of the organization and must be filed with the Commissioner within 120 days after the end of that fiscal year.]~~ *in accordance with the provisions of subsection 1 of NRS 680A.265.*

4. *Every organization for dental care shall file with the Commissioner and the National Association of Insurance Commissioners a quarterly statement in the form most recently adopted by the National Association of Insurance Commissioners for that type of insurer. The quarterly statement must be:*

(a) Prepared in accordance with the instructions which are applicable to that form, including, without limitation, the required date of submission for the form; and

(b) Filed by electronic means.

5. If an organization fails to file timely ~~[the]~~ *a* report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The Attorney General shall recover the penalty in the name of the State of Nevada.

~~[5.]~~ *6.* The Commissioner may grant a reasonable extension of time for filing ~~[the]~~ *any* report or ~~[financial]~~ statement required by this section, if the request for an extension is submitted in writing and shows good cause.

~~[6.]~~ *7.* The organization shall pay the Department of Taxation the annual tax, any penalty for nonpayment or delinquent payment of the tax imposed in chapter 680B of NRS, and a filing fee of $25 to the Commissioner, at the time the annual report is filed.

Sec. 60. NRS 695E.210 is hereby amended to read as follows:

695E.210 1. ~~[Any]~~ *The provisions of chapters 683A and 685A of NRS apply to any* person acting, or offering to act, as an agent or broker for ~~[a]~~ *:*

(a) A purchasing group ~~[, a]~~ *;*

(b) A member of a purchasing group under the group policy ~~[, or a]~~ *; or*

(c) A risk retention group transacting insurance in this ~~[state is subject to the provisions of chapters 683A and 685A of NRS.]~~ *State.*

2. Except as otherwise provided in this chapter, the provisions of chapter 679B of NRS apply to purchasing groups and risk retention groups, and to the provisions of this chapter, to the extent that the provisions of chapter 679B of NRS are not specifically preempted by the Product Liability Risk Retention Act of 1981, as amended by the Risk Retention Amendments of 1986.

3. A risk retention group that violates any provision of this chapter is subject to the fines and penalties, including revocation of its right to do business in this state, applicable to licensed insurers under this title.

Sec. 61. NRS 695F.200 is hereby amended to read as follows:

695F.200 1. Except as otherwise provided in this section, each prepaid limited health service organization which receives a certificate of authority shall maintain ~~[a:]~~ *all of the following:*

(a) ~~[Capital]~~ *A capital* account with a net worth of not less than $500,000 unless a lesser amount is permitted in writing by the Commissioner. The account must not be obligated for any accrued liabilities and must consist of cash, securities or a combination thereof which is acceptable to the Commissioner.

(b) ~~[Surety]~~ *A surety* bond or deposit of cash or securities for the protection of enrollees of not less than $500,000.

(c) The amount of risk-based capital required by regulations adopted by the Commissioner pursuant to NRS 681B.550.

2. The Commissioner may increase the required amount of the organization's capital account , ~~[and the]~~ surety bond or deposit *and capital maintained pursuant to paragraph (c) of subsection 1* to any ~~[amounts]~~ *amount*

the Commissioner determines to be appropriate pursuant to subsection 3 if the Commissioner determines that such an increase is necessary to:

(a) Assist the Commissioner in the performance of his or her regulatory duties;

(b) Ensure that the organization complies with the requirements of this Code; or

(c) Ensure the solvency of the organization.

3. When determining the appropriate amount of an increase pursuant to subsection 2, the Commissioner must base his or her determination on the type, volume and nature of premiums written and premiums assumed by the organization.

4. The amount of the organization's capital account , ~~[and]~~ surety bond or deposit *and capital maintained pursuant to paragraph (c) of subsection 1, as* required pursuant to ~~[this section:]~~ *subsections 1 and 2:*

(a) Is in addition to any reserve required by this chapter and any reserve established by the organization according to good business and accounting practices for incurred but unreported claims and other similar claims; and

(b) May increase the amount of risk-based capital required pursuant to NRS 681B.550.

5. The amount of the organization's surety bond or deposit *and capital maintained pursuant to paragraph (c) of subsection 1, as* required pursuant to ~~[this section]~~ *subsections 1 and 2* may increase the amount of net worth required pursuant to ~~[this section.]~~ *subsections 1 and 2.*

Sec. 62. NRS 695F.310 is hereby amended to read as follows:

695F.310 1. The Commissioner may examine the affairs of any prepaid limited health service organization as often as is reasonably necessary to protect the interests of the residents of this State, but not less frequently than once every 3 years.

2. A prepaid limited health service organization shall make its books and records available for examination and cooperate with the Commissioner to facilitate the examination.

3. In lieu of such an examination, the Commissioner may accept the report of an examination conducted by the commissioner of insurance of another state.

4. The reasonable expenses of an examination conducted pursuant to this section must be ~~[charged to the organization being examined and remitted to the Commissioner.]~~ *assessed, billed and paid in accordance with the provisions of NRS 679B.290.*

Sec. 63. NRS 695F.320 is hereby amended to read as follows:

695F.320 1. Each prepaid limited health service organization shall file with the Commissioner annually, on or before March 1, a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization.

2. The report must be on a form prescribed by the Commissioner and include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) The number of subscribers at the beginning and the end of the year and the number of enrollments terminated during the year; and

(c) Such other information as the Commissioner may prescribe.

3. Each prepaid limited health service organization shall file with the Commissioner annually an audited financial statement prepared ~~[by an independent certified public accountant. The statement must cover the most recent fiscal year of the organization and must be filed with the Commissioner within 120 days after the end of that fiscal year.]~~ *in accordance with the provisions of subsection 1 of NRS 680A.265.*

4. *Each prepaid limited health service organization shall file with the Commissioner and the National Association of Insurance Commissioners a quarterly statement in the form most recently adopted by the National Association of Insurance Commissioners for that type of insurer. The quarterly statement must be:*

(a) Prepared in accordance with the instructions which are applicable to that form, including, without limitation, the required date of submission for the form; and

(b) Filed by electronic means.

5. The Commissioner may require more frequent reports containing such information as is necessary to enable the Commissioner to carry out his or her duties pursuant to this chapter.

~~[5.]~~ *6.* The Commissioner may:

(a) Assess a fine of not more than $100 per day for each day ~~[the]~~ *a* report or ~~[financial]~~ statement required pursuant to this section is not filed after the report or ~~[financial]~~ statement is due, but the fine must not exceed $3,000; and

(b) Suspend the organization's certificate of authority until the organization files the report ~~[.]~~ *or statement, as applicable.*

Sec. 64. NRS 695J.260 is hereby amended to read as follows:

695J.260 1. If an exchange enrollment facilitator fails to obtain an appointment by the Exchange within 30 days after the date on which the certificate was issued, the exchange enrollment facilitator's certificate expires . ~~[and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.]~~

2. If the Exchange terminates an exchange enrollment facilitator's appointment, the exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date the appointment was terminated, the exchange enrollment facilitator's certificate expires . ~~[and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.]~~

3. Except as otherwise provided in subsection 4, if the Exchange terminates the appointment of an entity other than a natural person:

(a) The appointments of exchange enrollment facilitators named on the entity's appointment also terminate; and

(b) The exchange enrollment facilitator is prohibited from engaging in the business of an exchange enrollment facilitator under his or her certificate until such time as the exchange enrollment facilitator receives a new appointment by the Exchange. If the exchange enrollment facilitator does not obtain a new appointment by the Exchange within 30 days after the date on which the appointment was terminated, the exchange enrollment facilitator's certificate expires . ~~[and the exchange enrollment facilitator shall promptly deliver his or her certificate to the Commissioner.]~~

4. The provisions of subsection 3 do not apply to any appointments the exchange enrollment facilitator may have individually or through an entity other than the terminated entity.

5. Upon the termination of an appointment for an entity or certificate holder, the Executive Director of the Exchange shall notify the Commissioner of the effective date of the termination and the grounds for termination.

Sec. 65. Chapter 696B of NRS is hereby amended by adding thereto the provisions set forth as sections 66 and 67 of this act.

Sec. 66. *1. Not later than 1 year after the date of entry of an order appointing a receiver in delinquency proceedings for an insurer pursuant to this chapter, and not less frequently than annually thereafter, the receiver shall comply with all requirements for financial reporting for a receivership as specified by the National Association of Insurance Commissioners. The reports required pursuant to this subsection include, without limitation, a statement of:*

(a) The assets and liabilities of the insurer;

(b) Changes in those assets and liabilities; and

(c) All funds received and disbursed by the receiver during the period since the last such report.

2. The receiver may:

(a) Qualify any report and provide notes to any statement for further explanation; and

(b) Provide any additional information required pursuant to an order of the court or as the receiver deems appropriate.

3. In addition to satisfying any filing requirements established by the National Association of Insurance Commissioners, the receiver shall file the reports, statements and other documents required by this section with the court that has jurisdiction over the receivership.

4. For good cause shown, the court may grant an extension or modification of time to comply with subsection 1 or such other relief as may be appropriate.

Sec. 67. *1. Not later than 1 year after the date of entry of an order appointing a receiver in delinquency proceedings for an insurer pursuant to*

this chapter, and at such intervals as may be agreed to between the receiver and a guaranty association but in no event less frequently than annually, each guaranty association which is affected by the delinquency proceedings shall comply with all applicable requirements for financial reporting as specified by the National Association of Insurance Commissioners.

2. In addition to satisfying any filing requirements established by the National Association of Insurance Commissioners, each guaranty association which is affected by the delinquency proceedings shall file the reports and other documents required by this section with:

(a) The court that has jurisdiction over the receivership;

(b) The Commissioner; and

(c) The receiver.

3. For good cause shown, the court may grant an extension or modification of time to comply with subsection 1 or such other relief as may be appropriate.

4. As used in this section, "guaranty association" means the Nevada Insurance Guaranty Association, the Nevada Life and Health Insurance Guaranty Association or a similar organization in another jurisdiction, as applicable.

Sec. 68. NRS 696B.150 is hereby amended to read as follows:

696B.150 "Reciprocal state" means any state other than this state in which in substance and effect the provisions of the Uniform Insurers Liquidation Act ~~[,]~~ *or the Insurer Receivership Model Act* are in force, including provisions requiring that the commissioner of insurance or the equivalent insurance supervisory officer be the receiver of a delinquent insurer, and in which effective provisions exist for avoidance of fraudulent conveyances and unlawful preferential transfers.

Sec. 69. NRS 696B.280 is hereby amended to read as follows:

696B.280 1. This section, NRS 696B.030 to 696B.180, inclusive, (definitions) and NRS 696B.290 to 696B.340, inclusive, *and sections 66 and 67 of this act* comprise ~~[and may be cited as the Uniform Insurers Liquidation Act.]~~ *the Uniform Insurers Liquidation Act and the Insurer Receivership Model Act.*

2. If any provision of the ~~[Uniform Insurers Liquidation Act]~~ *NAIC Acts* or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ~~[act]~~ *NAIC Acts* which can be given effect without the invalid provision or application, and to this end the provisions of the ~~[act]~~ *NAIC Acts* are declared to be severable.

3. The ~~[Uniform Insurers Liquidation Act]~~ *NAIC Acts* shall be so interpreted as to effectuate ~~[its]~~ *the* general purpose to make uniform the laws of those states which enact ~~[it.]~~ *the Uniform Insurers Liquidation Act or the Insurer Receivership Model Act.* To the extent that ~~[its]~~ *the* provisions ~~[,]~~ *of the NAIC Acts,* when applicable, conflict with other provisions of this Code,

the provisions of the ~~[Uniform Insurers Liquidation Act]~~ *NAIC Acts* shall control.

4. As used in this section, "NAIC Acts" means this section, NRS 696B.030 to 696B.180, inclusive, and NRS 696B.290 to 696B.340, inclusive, and sections 66 and 67 of this act.

Sec. 70. 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.]~~ *13.* NRS 683A.520.

~~[15.]~~ *14.* NRS 686A.010 to 686A.310, inclusive.

Sec. 71. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against any licensee for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and 6 of NRS 630.307 and NRS 690B.250 *;* ~~[and 690B.260;]~~ and

(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 72. NRS 630.3069 is hereby amended to read as follows:

630.3069 If the Board receives a report pursuant to the provisions of NRS 630.3067, 630.3068 ~~[,]~~ *or* 690B.250 ~~[or 690B.260]~~ indicating that a judgment has been rendered or an award has been made against a physician regarding an action or claim for malpractice or that such an action or claim against the physician has been resolved by settlement, the Board shall conduct an investigation to determine whether to impose disciplinary action against the physician regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 73. NRS 630.318 is hereby amended to read as follows:

630.318 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any physician has raised a reasonable question as to his or her competence to practice medicine with reasonable skill and safety to patients, or if the Board has received a report pursuant to the provisions of NRS 630.3067, 630.3068 ~~[,]~~ *or* 690B.250 ~~[or 690B.260]~~ indicating that a judgment has been rendered or an award has been made against a physician regarding an action or claim for malpractice or that such an action or claim against the physician has been resolved by settlement, the Board or committee may order that the physician undergo a mental or physical examination, an examination testing his or her competence to practice medicine or any other examination designated by the Board to assist the Board or committee in determining the fitness of the physician to practice medicine.

2. For the purposes of this section:

(a) Every physician who applies for a license or who is licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice medicine when ordered to do so in writing by the Board or an investigative committee of the Board.

(b) The testimony or reports of a person who conducts an examination of a physician on behalf of the Board or an investigative committee of the Board pursuant to this section are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a physician licensed under this chapter to submit to an examination when directed as provided in this section constitutes an admission of the charges against the physician.

Sec. 74. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians and physician assistants for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and 6 of NRS 633.533 and NRS 690B.250 *;* ~~[and 690B.260;]~~ and

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 75. NRS 633.528 is hereby amended to read as follows:

633.528 If the Board receives a report pursuant to the provisions of NRS 633.526, 633.527 ~~[,]~~ *or* 690B.250 ~~[or 690B.260]~~ indicating that a judgment has been rendered or an award has been made against an osteopathic physician or physician assistant regarding an action or claim for malpractice or that such an action or claim against the osteopathic physician or physician assistant has been resolved by settlement, the Board shall conduct an investigation to determine whether to discipline the osteopathic physician or physician assistant regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 76. NRS 633.529 is hereby amended to read as follows:

633.529 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or an investigative committee of the Board receives a report pursuant to the provisions of NRS 633.526, 633.527 ~~[,]~~ *or* 690B.250 ~~[or 690B.260]~~ indicating that a judgment has been rendered or an award has been made against an osteopathic physician or physician assistant regarding an action or claim for malpractice, or that such an action or claim against the osteopathic physician or physician assistant has been resolved by settlement, the Board or committee may order the osteopathic physician or physician assistant to undergo a mental or physical examination or any other examination designated by the Board to test his or her competence to practice osteopathic medicine or to practice as a physician assistant, as applicable. An examination conducted pursuant to this subsection must be conducted by a person designated by the Board.

2. For the purposes of this section:

(a) An osteopathic physician or physician assistant who applies for a license or who holds a license under this chapter is deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice osteopathic medicine or to practice as a physician assistant, as applicable, pursuant to a written order by the Board.

(b) The testimony or reports of a person who conducts an examination of an osteopathic physician or physician assistant on behalf of the Board pursuant to this section are not privileged communications.

Sec. 77. NRS 679B.144, 690B.260 and 690B.340 are hereby repealed.

Sec. 78. NRS 680A.310, 683A.480 and 696A.330 are hereby repealed.

Sec. 79. 1. This section and sections 2, 3, 29, 33 and 71 to 77, inclusive, of this act become effective upon passage and approval.

2. Sections 1, ~~[4 to 32,]~~ 3.5 to 28, inclusive, 30, 31, 32, 35 to 70, inclusive, and 78 of this act become effective on October 1, 2019.

3. Section 34 of this act becomes effective on January 1, 2020.

LEADLINES OF REPEALED SECTIONS

679B.144 Commissioner required to collect information regarding closed claims for medical malpractice; submission to Legislature; regulations.

680A.310 Exceptions to requirements for countersignature by agent.

683A.480 Return of license to Commissioner.

690B.260 Physicians and osteopathic physicians: Reports to Commissioner and licensing boards.

690B.340 Review of settlement or judgment by Commissioner.

696A.330 Surrender of certificate after revocation or suspension of license

Senator Spearman moved that the Senate concur in Assembly Amendment No. 845 to Senate Bill No. 86.

Remarks by Senators Spearman and Pickard.

SENATOR SPEARMAN:

Amendment No. 845 makes five changes to Senate Bill No. 86. The amendment increases the annual assessment that the Commissioner of Insurance is required to collect from each insurer; deletes the provision that money accepted by a life insurer pursuant to an annuity agreement may be considered income and taxable upon receipt; revises the appointment process of a board of directors of a nonprofit organization of surplus lines, brokers and provides that any proposed director may be disapproved by the Commissioner and serves at the pleasure of the Commissioner; revises language to require the Commissioner to perform an actuarial review of each rate filing and authorizes the Commissioner to assess against an insurer the actual cost for the external actuarial review of such a filing and revises the effective date of this bill's provisions concerning assessments against insurers for the external actuarial review of a rate filing.

SENATOR PICKARD:

I rise in support of the concurrence. The last time we discussed this I expressed concerns, and those concerns have been ameliorated. I urge support of the concurrence.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 463.

The following Assembly amendment was read:

Amendment No. 765.

SUMMARY—Revises provisions related to county officers. (BDR 20-1153)

AN ACT relating to coroners; authorizing a coroner to test a decedent for communicable diseases without a court order under certain circumstances; authorizing a coroner to establish certain programs; authorizing a coroner to subpoena certain documents, records and materials; providing that funds from the account for the support of the office of the county coroner can be used to pay expenses relating to certain programs; requiring a postmortem examination be performed by a forensic pathologist under certain circumstances; increasing certain fees for the support of the office of the county coroner; making various other changes relating to coroners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the duties and responsibilities of a county coroner. (Chapter 259 of NRS) Existing law provides that certain persons, including the county coroner, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if the decedent may have exposed the person or the person's employees to a communicable disease. (NRS 441A.195) Section 3 of this bill authorizes a coroner to test a decedent under his or her jurisdiction for communicable diseases without obtaining such a court order if: (1) the coroner or any employees of the coroner came in contact with the blood or bodily fluids of the decedent; ~~[or]~~ (2) a law enforcement officer, emergency medical attendant or firefighter came in contact with the blood or bodily fluids of the decedent before the decedent came under the jurisdiction of the coroner ~~[.]~~ ; or (3) any other person came in contact with the blood or bodily fluids of the decedent while rendering care or assistance in an emergency before the decedent came under the jurisdiction of the coroner.

Existing law authorizes a county coroner to use the money in the account created for the support of the office of the county coroner to pay expenses relating to: (1) certain training; (2) the purchase of certain specialized equipment; and (3) youth programs involving the office of the county coroner. (NRS 259.025) Section 4 of this bill authorizes a county coroner to create: (1) a program to promote the mental health of the employees of the county coroner and any ~~[other]~~ person impacted as a result of providing services in his or her professional capacity in response to an incident involving mass casualties within the county; and (2) a program that provides bereavement services to members of the public. Section 5 of this bill authorizes the county coroner to pay expenses relating to those programs with money from the account.

Existing law requires a coroner to conduct an investigation when the coroner or a coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means.

(NRS 259.050) Section 6 of this bill authorizes a coroner conducting such an investigation to subpoena the production of any documents, records or materials directly related or believed to contain evidence related to an investigation of the coroner. Section 6 also provides that where it is apparent or can be reasonably inferred that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed by a forensic pathologist, unless the death occurred following a hospitalization stay of 24 hours or more.

Section 2 of this bill provides that when a forensic pathologist performs a postmortem examination at the direction of a coroner, the forensic pathologist shall determine the cause of death and the certifier of death shall record the cause of death as determined by the forensic pathologist on the certificate of death.

Existing law requires the State Registrar to charge and collect a fee for a certified copy of a certificate of death and provides that the fee must include $1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates. (NRS 440.700) Section 7 of this bill increases the fee from $1 to $4.

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

Section 1. Chapter 259 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *If a forensic pathologist performs a postmortem examination on a body under the jurisdiction of the coroner:*

1. The forensic pathologist shall determine the cause of death of the decedent; and

2. The certifier of death shall record on the death certificate the exact cause of death as determined by the forensic pathologist.

Sec. 3. *1. The coroner may cause a decedent under the jurisdiction of the coroner to be tested for communicable diseases without obtaining a court order if:*

(a) A law enforcement officer, emergency medical attendant or firefighter came in contact with the blood or bodily fluids of the decedent in the course of his or her official duties before the decedent came under the jurisdiction of the coroner; ~~[or]~~

(b) The coroner or an employee of the coroner comes in contact with the blood or bodily fluids of a decedent in the course of his or her official duties ~~[.]~~ ; or

(c) Any other person came in contact with the blood or bodily fluids of the decedent while rendering care or assistance in an emergency before the decedent came under the jurisdiction of the coroner.

2. The coroner shall report the results of any test conducted pursuant to subsection 1 to the local health officer.

Sec. 4. *A coroner may establish:*

1. A program to promote the mental health of ~~[the]~~ :

(a) The employees of the office of the coroner ; and ~~[any other]~~

(b) Any person impacted as a result of providing services in his or her professional capacity in response to an incident involving mass casualties within the county.

2. A program that provides bereavement services to members of the public within the county.

Sec. 4.5. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025, 259.045 , *subsections 3 and 4 of NRS 259.050,* and *NRS* 259.150 to 259.180, inclusive, *and sections 2, 3 and 4 of this act* do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 5. NRS 259.025 is hereby amended to read as follows:

259.025 1. The board of county commissioners of each county may create in the county general fund an account for the support of the office of the county coroner. The county treasurer shall deposit in that account the money received from:

(a) The State Registrar of Vital Statistics pursuant to NRS 440.690; and

(b) A district health officer pursuant to NRS 440.715.

2. The money in the account must be accounted for separately and not as a part of any other account.

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

4. Claims against the account must be paid as other claims against the county are paid.

5. Except as otherwise provided in subsection 8, the county coroner may use the money in the account to pay expenses relating to:

(a) A youth program involving the office of the county coroner, including, without limitation, a program of visitation established pursuant to NRS 62E.720;

(b) Training for a member of the staff of the office of the county coroner;

(c) Training an ex officio coroner and his or her deputies on the investigation of deaths; ~~[and]~~

(d) The purchase of specialized equipment for the office of the county coroner ~~[.]~~ *; and*

(e) Any program established by the coroner pursuant to section 4 of this act.

6. Any money remaining in the account at the end of any fiscal year does not revert to the county general fund and must be carried forward to the next fiscal year.

7. Before the end of each fiscal year:

(a) The board of county commissioners of each county that constitutes a coroner's district pursuant to NRS 259.010 and which has created an account

for the support of the office of the county coroner pursuant to subsection 1 shall designate the office of a county coroner created pursuant to NRS 244.163 to receive the money in the account.

(b) The county treasurer of each county that constitutes a coroner's district pursuant to NRS 259.010 and for which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to subsection 1 shall transfer all money in the account to the county treasurer of the county in which the office of the county coroner designated pursuant to paragraph (a) is established.

(c) The county treasurer of the county in which the office of the county coroner designated pursuant to paragraph (a) is established shall:

(1) Deposit all the money received pursuant to paragraph (b) into the account created in that county pursuant to subsection 1; and

(2) Account for the money received from each county in separate subaccounts.

8. The office of the county coroner designated to receive money pursuant to subsection 7 may only use the money in each subaccount and any interest attributable to that money to pay expenses which are incurred in the county from which the money was transferred and which relate to the training of an ex officio coroner and his or her deputies on the investigation of deaths.

Sec. 6. NRS 259.050 is hereby amended to read as follows:

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

3. *If it is apparent to or can be reasonably inferred by the coroner that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed on the decedent by a forensic pathologist unless the death occurred following a hospitalization stay of 24 hours or more.*

4. A coroner may issue a subpoena for the production of any document, record or material that is directly related or believed to contain evidence related to an investigation by the coroner.

5. The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident, motor vehicle crash or when it is publicly known that the

death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

~~[4.]~~ *6.* If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

~~[5.]~~ *7.* A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 7. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of $3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of $1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The fee collected for furnishing a copy of a certificate of death must include the sum of 50 cents for credit to the Grief Support Trust Account created by NRS 439.5132.

5. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

6. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of ~~[$1]~~ *$4* for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

7. Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

8. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

Sec. 8. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. ~~[A]~~ *Except as otherwise provided in section 3 of this act, a* law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if the person or decedent may have exposed the officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public employee or volunteer for a public agency to a communicable disease.

2. When possible, before filing a petition pursuant to subsection 1, the person, employer or public agency for which the person volunteers, and who is petitioning shall submit information concerning the possible exposure to a communicable disease to the designated health care officer for the employer or public agency or, if there is no designated health care officer, the person designated by the employer or public agency to document and verify possible exposure to communicable diseases, for verification that there was substantial

exposure. Each designated health care officer or person designated by an employer or public agency to document and verify possible exposure to communicable diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who possibly exposed him or her to a communicable disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred and, that a positive result from the test for the presence of a communicable disease would require the petitioner to seek medical intervention, the court shall:

(a) Order the person who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease to submit two appropriate specimens to a local hospital or medical laboratory for testing for exposure to a communicable disease; or

(b) Order that two appropriate specimens be taken from the decedent who possibly exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease and be submitted to a local hospital or medical laboratory for testing for exposure to the communicable disease.

➥ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify possible exposure to a communicable disease to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.

5. Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.

6. A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.

7. The employer of a person or the public agency for which the person volunteers, who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer or public agency, shall pay the cost of performing the test pursuant to subsection 3.

8. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

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

Senator Parks moved that the Senate do not concur in Assembly Amendment No. 765 to Senate Bill No. 463.

Remarks by Senator Parks.

The Coroner brought something to our attention which was overlooked, and we would like the opportunity to add that to the Conference Committee consideration.

Motion carried.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Education, to which were referred Assembly Bills Nos. 92, 276, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MOISES DENIS, *Chair*

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 84, 324, 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 332, 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*

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 342.

The following Assembly amendment was read:

Amendment No. 821.

SUMMARY—Revises provisions relating to animals. (BDR 14-748)

AN ACT relating to animals; revising provisions relating to an animal impounded by a county, city or other local government under certain circumstances; providing for a hearing to determine whether a person is the

owner of an animal and whether the person is fit and able to provide adequate care and shelter for that animal; requiring and authorizing a court to issue certain orders after such a hearing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a person is lawfully arrested and detained in a county for more than 7 days, and if the county impounds any animal owned or possessed by the person, the county must: (1) notify the person of the impoundment and request that the person provide to the county the name of any person who is authorized to care for the animal; (2) transfer, under certain circumstances, the animal to the person who is so authorized; and (3) if there is no such person, allow another person to care for the animal temporarily and, with the consent of the person who is arrested and detained, adopt the animal. Existing law also authorizes the county to bring an appropriate legal action to recover the reasonable cost of care and shelter of the animal under certain circumstances. Finally, existing law defines the term "animal" for the purpose of an animal impounded by a county under such circumstances. (NRS 171.1539) Section 1 of this bill provides that if a person is lawfully arrested and detained in a county, city or other local government, other than for a violation of certain acts which constitute engaging in cruelty to animals, and the county impounds any animal owned or possessed by the person, the county may, within 10 days after the arrest: (1) allow another person who is able to provide adequate care and shelter to care for the animal temporarily; or (2) take possession of the animal. Section 1 also requires the State to create and maintain a written notice which: (1) informs the person that an animal owned or possessed by the person may have been impounded; (2) provides the current contact information of an animal shelter in each county, city or other local government responsible for impounding the animal; (3) is made available in certain languages; (4) is provided to each county or city jail or detention facility; and (5) must be posted in a conspicuous place in each county or city jail or detention facility. Additionally, section 1 revises the definition of the term "animal" to include an animal which is maintained as a pet whether or not the animal is domesticated.

Existing law requires a peace officer or animal control officer to take possession of an animal being treated cruelly. Existing law also requires an officer to provide certain notices to the owner of an animal of which the officer took possession. Existing law authorizes such an officer to impose a lien on the animal for the reasonable cost of care and shelter of the animal. (NRS 574.055) Sections 3-9 of this bill establish provisions relating to an animal impounded incident to the lawful arrest of a person in violation of provisions relating to an act which constitutes cruelty to animals. Section 7 of this bill requires ~~[a prosecutor to provide]~~ notice be provided to such a person of his or her right to request a hearing ~~[within 2 days after the arrest]~~ to determine whether the person is the owner of the animal and whether the person is able or fit to provide adequate care and shelter to the animal.

Section 7 requires a person to request such a hearing within 5 days after receipt of the notice. Section 7 requires the court hold such a hearing within 15 judicial days after receiving notice of the request. Section 8 of this bill requires the court to order, under certain circumstances, another person to take possession of the animal. If the court determines that the person detained is not the owner of the animal or is not able or fit to provide adequate care and shelter of the animal, section 8: (1) requires the court to order the person not to own or possess the animal and to order the transfer of the animal; and (2) authorizes the court to order the impoundment of certain other animals or enjoin the person from owning or possessing other animals. Section 9 of this bill authorizes: (1) the county, city or other local government or animal shelter to bring an appropriate legal action to recover the reasonable cost of the shelter and care of the animal; and (2) the court to order a later and separate hearing for such an action.

Section 11 of this bill revises the notices provided to the owner of an animal of which an officer took possession to include notice of the right of the owner to request a hearing pursuant to section 7 to determine ownership of the animal and whether the owner is able or fit to provide adequate care and shelter to the animal.

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

Section 1. NRS 171.1539 is hereby amended to read as follows:

171.1539 1. ~~[If]~~ *Except as otherwise provided in sections 3 to 9, inclusive, of this act, if* a person is lawfully arrested and detained ~~[in a county for more than 7 days,]~~ and ~~[if]~~ any animal owned or possessed by the person is impounded by the county *, city or other local government in which the person is arrested at the time of the arrest or* after the arrest, ~~[the county must notify the person of the impoundment of the animal and request that]~~ the person *may* provide ~~[to the county]~~ the name of any person who is authorized to care for the animal. The county *, city or other local government or animal shelter* must transfer the animal to such a person if the county *, city or other local government* determines that the person is able to provide adequate care and shelter to the animal. If ~~[there is]~~ *within 10 days after the county, city or other local government impounds the animal* no *such* authorized person ~~[who]~~ is able to provide adequate care and shelter to the animal, the county ~~[may allow]~~ *, city or other local government or animal shelter:*

(a) May allow another person who is able to provide adequate care and shelter to care for the animal temporarily ~~[and, with the consent of the person who is arrested and detained, allow the other person to adopt the animal.]~~ *; or*

(b) May take possession of the animal.

2. ~~[If]~~ *The State shall create and maintain a written notice which must:*

(a) Inform the person or the public that an animal, owned or possessed by a person who has been arrested and detained, may have been impounded;

(b) Include the current contact information of each animal shelter in each county, city or other local government responsible for:

(1) Impounding an animal; and

(2) Providing care and shelter to an animal;

(c) Be available in English, Spanish, Tagalog and Standard Chinese;

(d) Be provided to each county or city jail or detention facility; and

(e) Be posted in a conspicuous place in each county or city jail or detention facility.

3. A person lawfully arrested and detained:

(a) May make a reasonable number of completed telephone calls from a county or city jail or detention facility for the purpose of locating an animal impounded pursuant to this section; and

(b) Shall not be charged for each completed call to an animal shelter listed in the written notice posted pursuant to subsection 2.

4. If a person is convicted of the crime for which he or she was lawfully arrested, the county *, city or other local government or animal shelter* may by appropriate legal action recover the reasonable cost of any care and shelter furnished to the animal by the county, *city or other local government or animal shelter,* including, without limitation, imposing a lien on the animal for the cost of such care and shelter.

~~[3.]~~ *5. The board of county commissioners of each county, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, may adopt an ordinance which provides for time ~~[in addition to the time set forth in subsection 1]~~ of not less than 5 days to a person lawfully arrested or detained for the purpose of providing the person a reasonable opportunity to locate another person to take possession of an animal. Such a reasonable opportunity is provided upon assistance from a county, city or other local government or an animal shelter.*

6. The city council or other governing body of each incorporated city, whether organized under general law or special charter, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, may adopt an ordinance which provides for time of not less than 5 days to a person lawfully arrested or detained for the purpose of providing the person a reasonable opportunity to locate another person to take possession of an animal. Such a reasonable opportunity is provided upon assistance from a county, city or other local government or an animal shelter.

7. As used in this section ~~[, "animal"]~~ *:*

(a) "Animal" means any dog, cat, horse *,* ~~[or]~~ other domesticated animal ~~[.]~~ *or undomesticated animal which is maintained as a pet.* The term:

~~[(a)]~~ *(1)* Includes any chicken, pig, rabbit or other ~~[domesticated]~~ animal which is maintained as a pet ~~[.~~

~~(b)]~~ *whether or not the animal is domesticated.*

(2) Except as otherwise provided in ~~[paragraph (a),]~~ *subparagraph 1,* does not include any cattle, sheep, goats, swine or poultry.

(b) "Animal shelter" has the meaning ascribed to it in NRS 574.240.

Sec. 2. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this act.

Sec. 3. *As used in sections 3 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Animal" has the meaning ascribed to it in NRS 171.1539.*

Sec. 5. *"Animal rescue organization" has the meaning ascribed to it in NRS 574.205.*

Sec. 6. *"Animal shelter" has the meaning ascribed to it in NRS 574.240.*

Sec. 7. *1. If a person is lawfully arrested for a violation of NRS 574.070 or 574.100 and if an animal owned or possessed by the person is impounded by the county, city or other local government in connection with the arrest, ~~[the prosecutor shall notify]~~ the person must be notified in accordance with the provisions of subsection 2 of NRS 574.055 and be notified of his or her right to request a hearing within 5 days after receipt of the notice to determine whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. ~~[Such notice]~~ The person must ~~[be provided within 2 judicial days after the arrest and state that the person has]~~ request a hearing pursuant to this subsection with 5 days after receipt of the notice ~~[to request a hearing.]~~ pursuant to this subsection.*

2. If a person who is lawfully arrested and detained for a violation of NRS 574.070 or 574.100 does not request a hearing pursuant to subsection 1, or an owner of the animal has not been identified within 5 days of arrest, the county, city or other local government shall transfer ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.

3. If the court receives a timely request pursuant to subsection 1, the court shall hold a hearing within 15 judicial days after receipt of the request to determine whether the person is the owner of an animal and whether the person is able and fit to provide adequate care and shelter to the animal.

4. For the purpose of conducting a hearing pursuant to this section, the court may consider:

(a) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;

(b) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;

(c) Expert testimony as to community standards for the reasonable care of a similar animal;

(d) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;

(e) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of NRS 574.070 or 574.100; and

(f) Any other evidence which the court determines is relevant.

Sec. 8. *1. If the court determines by clear and convincing evidence that the person detained is the owner of the animal and the person is able and fit to provide adequate care and shelter for the animal, the court shall order the person or the designee of the person to take possession of the animal not later than 3 days after the issuance of the order.*

2. If the court determines that there is not clear and convincing evidence that the person arrested is the owner of the animal or that the person detained is not able and fit to provide adequate care and shelter for the animal, the court shall order:

(a) The person not to own or possess the animal; and

(b) The county, city or other local government to transfer the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.

3. If the court makes a determination pursuant to subsection 2, the court may:

(a) Order the impoundment of any other animals owned or possessed by the person arrested; or

(b) Enjoin the person from owning or possessing any animal.

Sec. 9. *If the court makes a determination pursuant to subsection 2 of section 8 of this act, the county, city or other local government or animal shelter may by appropriate action recover the reasonable cost of any care and shelter furnished to the animal. The court may order a later and separate hearing to make a determination about such costs.*

Sec. 10. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[:]~~ *, and sections 3 to 9, inclusive, of this act:*

1. "Animal" does not include the human race, but includes every other living creature.

2. "First responder" means a person who has successfully completed the national standard course for first responders.

3. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

4. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 11. NRS 574.055 is hereby amended to read as follows:

574.055 *Except as otherwise provided in sections 3 to 9, inclusive, of this act:*

1. Any peace officer or animal control officer shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and

sheltered, ~~[and]~~ the fact that there is a limited lien on the animal for the cost of shelter and care ~~[.]~~ *and notice of the right of the owner to request a hearing pursuant to section 7 of this act within 5 days after receipt of the notice.* If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to the owner's custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 12. 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.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 821 to Senate Bill No. 342.

Remarks by Senator Cannizzaro.

Assembly Amendment No. 821 to Senate Bill No. 342 revises the definition of "animal" to include and undomesticated animal maintained as a pet and clarifies notice provisions for

individuals in custody who have had animals impounded to require a notice and a request for a hearing within five days of that notice. It further clarifies the right of an owner to request a hearing.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 424.

The following Assembly amendment was read:

Amendment No. 875.

SUMMARY—Revises provisions governing community-based living arrangement services. ~~[for persons with a mental illness.]~~ (BDR 39-964)

AN ACT relating to mental health; requiring the establishment of a system to categorize ~~[consumers]~~ recipients of ~~[mental health]~~ community-based living arrangement services by the scope of services needed; requiring the establishment of procedures for the appeal of decisions relating to eligibility for or authorization of ~~[certain]~~ community-based living arrangement services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations that specify the circumstances under which a consumer is eligible to receive mental health services from the Division, including care, treatment, treatment to competency and training. (NRS 433.3315) This bill requires those regulations to prescribe a system to categorize ~~[consumers]~~ recipients of community-based living arrangement services by the scope of services needed by the ~~[consumers.]~~ recipients. This bill also requires the Division to adopt regulations to establish procedures by which a ~~[consumer or a provider]~~ recipient of community-based living arrangement services may appeal a decision of the Division concerning eligibility for or authorization of services.

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

Section 1. NRS 433.3315 is hereby amended to read as follows:

433.3315 The Division shall adopt regulations:

1. To define the term "consumer" for the purposes of chapters 433 to 433C, inclusive, of NRS.

2. To specify the circumstances under which a consumer is eligible to receive services from the Division pursuant to chapters 433 to 433C, inclusive, of NRS, including, but not limited to, care, treatment, treatment to competency and training. Regulations adopted pursuant to this subsection must ~~*[prescribe]*~~*:*

(a) Prescribe a system to categorize a ~~[consumer]~~ recipient of community-based living arrangement services by the scope of services needed by the ~~[consumer]~~ recipient; and ~~[specify]~~

(b) Specify that a consumer is eligible to receive services only if the consumer:

~~[(a)]~~ *(1)* Has a documented diagnosis of a mental disorder based on the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

~~[(b)]~~ *(2)* Except as otherwise provided in the regulations adopted pursuant to subsection 3, is not eligible to receive services through another public or private entity.

3. To specify the circumstances under which the provisions of *subparagraph (2) of* paragraph (b) of subsection 2 do not apply, including, without limitation, when the copay or other payment required to obtain services through another public or private entity is prohibitively high.

4. To establish policies and procedures for the referral of each consumer who needs services that the Division is unable to provide to the most appropriate organization or resource who is able to provide the needed services to that consumer.

5. To establish procedures by which a ~~[consumer or a provider]~~ recipient of community-based living arrangement services with which the Division has entered into a contract may appeal a decision of the Division concerning eligibility for or authorization of services.

6. As used in this section, "community-based living arrangement services" has the meaning ascribed to it in NRS 433.605.

Sec. 2. This act becomes effective:

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

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

Senator Ratti moved that the Senate concur in Assembly Amendment No. 875 to Senate Bill No. 424.

Remarks by Senator Ratti.

Amendment No. 875 amends Senate Bill No. 424 by clarifying that the regulations must prescribe a system to categorize recipients of community-based, living-arrangement services by the scope of services the recipient needs.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 7.

The following Assembly amendment was read:

Amendment No. 816.

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

AN ACT relating to crimes; ~~[revising the circumstances that constitute pandering;]~~ providing that a person who solicits for prostitution a peace officer posing as a child or another person who ~~[the person believes to be]~~ is assisting a peace officer by posing as a child ~~[to engage in prostitution]~~ is guilty of ~~[facilitating sex trafficking; providing]~~ soliciting a child for prostitution;

increasing the penalties ~~[,]~~ for the solicitation of a child for prostitution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~— [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.]~~

Existing law prohibits a 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) Section 5 of this bill increases such penalties and provides that such a person is guilty: (1) for a first offense, of a category D felony; (2) for a second offense, of a category C felony; and (3) for a third or subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $15,000. Section 5 also provides that a person is guilty of soliciting a child for prostitution if the person solicits for prostitution: (1) a peace officer who is posing as a child; or (2) a person who is assisting a peace officer by posing as 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 [.]~~ *~~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 [:] *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.]~~ (Deleted by amendment.)

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; [or]~~

~~(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 [.] ; 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.~~] (Deleted by amendment.)

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.~~] (Deleted by amendment.)

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.~~] (Deleted by amendment.)

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. *Any person who violates subsection 1 by soliciting for prostitution:*

(a) A peace officer who is posing as a child; or

(b) A person who is assisting a peace officer by posing as a child,

➥ is guilty of soliciting a child for prostitution.

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

~~[3.]~~ *4.* Except as otherwise provided in subsection ~~[5,]~~ *6,* a customer who violates ~~[subsection 1:]~~ *this section:*

(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.]~~ *5.* In addition to any other penalty imposed, the court shall order a person who violates subsection ~~[3]~~ *4* 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.]~~ *6.* A customer who violates ~~[subsection 1]~~ *this section* by soliciting a child for prostitution :

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

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

(c) For a third or subsequent offense, is guilty of a category ~~[C]~~ *B* felony and shall be punished ~~[as provided in NRS 193.130.]~~ *by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $15,000.* The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph. ~~*[is guilty of facilitating sex trafficking and shall be punished as provided in NRS 201.301.*~~

~~— 6.]~~ *7.* Any civil penalty collected by a district attorney or city attorney pursuant to subsection ~~[4]~~ 5 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.]~~ *8.* 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.]~~ *9.* Except as limited by subsection ~~[9,]~~ *10,* if a person is discharged and the proceedings against the person are dismissed pursuant to subsection ~~[7,]~~ *8,* 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.]~~ *10.* 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.~~] (Deleted by amendment.)

Sec. 7. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved that the Senate do not concur in Assembly Amendment No. 816 to Senate Bill No. 7.

Motion carried.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 24, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 163, 164.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 235, 262, 289, 524.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 221, Amendment No. 781, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 866 to Assembly Bill No. 64; Senate Amendment No. 890 to Assembly Bill No. 151; Senate Amendments Nos. 803, 925 to Assembly Bill No. 376.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Senate Resolution No. 8—Designates certain members of the Senate as regular and alternate members of the Legislative Commission for the 2019-2021 biennium.

Senator Ohrenschall moved the adoption of the resolution.

Remarks by Senator Ohrenschall.

Senate Resolution No. 8 designates certain members of the Nevada Senate as regular and alternate members of the Legislative Commission for the 2019-2021 Biennium. Senate Resolution No. 8 names Senators Nicole Cannizzaro, Julia Ratti, Mo Denis, James Settelmeyer, Joe Hardy and Scott Hammond as regular Senate members of the Legislative Commission. The resolution also designates first and second alternate members for each regular member of the Legislative Commission. Finally, the resolution also sets forth the procedure for requesting an alternate member to replace a regular member during his or her absence at a meeting of the Commission.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 235.

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

Motion carried.

Assembly Bill No. 262.

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

Motion carried.

Assembly Bill No. 289.

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

Motion carried.

Assembly Bill No. 524.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1010.

SUMMARY—Establishes a program to award grants to support prekindergarten programs. (BDR 34-338)

AN ACT relating to education; ~~[creating the Prekindergarten Account;]~~ establishing a program to award ~~[competitive]~~ grants to support prekindergarten programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes a program to award grants to school districts, sponsors of charter schools and nonprofit organizations to support prekindergarten programs. ~~[Section 2 of this bill creates the Prekindergarten Account in the State General Fund.]~~ Section 3 of this bill requires , to the extent money is available, the Department of Education to ~~[expend the money in the Account to]~~ award ~~[competitive]~~ grants to school districts, sponsors of charter schools and nonprofit organizations to support prekindergarten programs. Section 3 also requires a prekindergarten program that is supported by a grant to meet certain requirements. Section 3 additionally prescribes the required contents of an application for a grant. Section 4 of this bill prescribes the authorized uses for a grant. Section 5 of this bill requires the State Board of Education to adopt regulations to carry out the grant program. Section 6 of this bill requires the Department to submit a biennial report concerning the effectiveness of prekindergarten programs supported by the grants.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ~~[*1. The Prekindergarten Account is hereby created in the State General Fund. The Account must be administered by the Department.*~~

~~*2. The interest and income earned on:*~~

~~*(a) The money in the Account, after deducting any applicable charges; and*~~

~~*(b) Unexpended appropriations made to the Account from the State General Fund,*~~

~~*must be credited to the Account.*~~

~~*3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund does not revert to the State General*~~

~~*Fund, and the balance in the Account must be carried forward to the next fiscal year.*~~

~~*4. The Department may accept gifts, grants and donations from any source for deposit in the Account.]*~~ (Deleted by amendment.)

Sec. 3. *1. The Department shall* ~~*[expend the money in the Prekindergarten Account created by section 2 of this act to]*~~ *, to the extent money is available, award* ~~*[competitive]*~~ *grants of money to school districts, sponsors of charter schools and nonprofit organizations to support prekindergarten programs. Each prekindergarten program supported by a grant awarded pursuant to this section must:*

(a) Employ ~~*[teachers who have]*~~ *at least one teacher per classroom who has a bachelor's degree or higher in early childhood education and compensate those teachers with pay and benefits similar to those provided to licensed teachers by the school district in which the prekindergarten program is located;*

(b) Serve children who are 4 years of age at the beginning of the school year and whose household has a household income which is not more than 200 percent of the federally designated level signifying poverty;

(c) Provide instruction in prekindergarten for at least 25 hours each week for the entire school year;

(d) Utilize a comprehensive curriculum for prekindergarten that is aligned to any standards of content and performance established for prekindergarten pursuant to NRS 389.520;

(e) Maintain the size of each class at ~~*[less]*~~ *not more than 20 pupils and a ratio of not more than 10 pupils for each* ~~*[teacher;]*~~ *adult with supervision in the classroom;*

(f) Participate in any evaluation of the program or the pupils who participate in the program that is prescribed by the regulations adopted pursuant to section 5 of this act;

(g) Effectively engage the parents or guardians of pupils and participate in any evaluation of such engagement that is required by the regulations adopted pursuant to section 5 of this act;

(h) Serve pupils with disabilities at a rate that is not less than the percentage of pupils in this State or in the United States, whichever is greater, who are 4 years of age at the beginning of the school year who receive services funded pursuant to 20 U.S.C. § 1419;

(i) Ensure that the percentage of pupils with disabilities in each class is less than 49 percent of the total number of pupils;

(j) Provide appropriate individualized accommodations and supports for pupils with disabilities;

(k) Provide the comprehensive services prescribed pursuant to section 5 of this act; and

(l) Meet the minimum standards of performance prescribed pursuant to section 5 of this act.

2. The board of trustees of a school district, the ~~[governing body]~~ sponsor of a charter school or a nonprofit organization that wishes to receive a grant of money ~~[from the Account]~~ pursuant to this section must submit an application to the Department. The application must include, without limitation:

(a) A detailed description of the manner in which the board of trustees, ~~[governing body]~~ sponsor of a charter school or nonprofit organization proposes to:

(1) Ensure that the prekindergarten program supported by the grant meets the requirements of subsection 1; and

(2) Use the grant of money; and

(b) Any other information required by the Department.

Sec. 4. *1. Any grant of money received by a school district, sponsor of a charter school or nonprofit organization pursuant to section 3 of this act and any money received by the governing body of a charter school from a grant awarded to its sponsor must be accounted for separately from all other money of the school district, ~~[charter school or]~~ sponsor, governing body or nonprofit organization and used only for the purposes prescribed by subsection 2.*

2. A grant of money awarded pursuant to section 3 of this act must be used to:

(a) Establish or expand a prekindergarten education program;

(b) Supplement money that the recipient of the grant would otherwise spend on prekindergarten programs;

(c) Pay the salaries of teachers and paraprofessionals or pay for other items directly related to the instruction of pupils enrolled in prekindergarten; or

(d) Retrofit a classroom or playground equipment so that the classroom or equipment is appropriate for pupils who are 4 years of age.

3. A school district, sponsor of a charter school or nonprofit organization that receives a grant of money pursuant to section 3 of this act and the governing body of a charter school that receives money from a grant awarded to its sponsor shall not use the money to:

(a) Supplant money that the school district, ~~[charter school]~~ sponsor, governing body or organization would otherwise spend on prekindergarten programs; or

(b) Except as otherwise provided in paragraph (d) of subsection 2, pay for major renovations to classrooms or facilities.

Sec. 5. *1. The State Board shall adopt regulations prescribing:*

(a) Comprehensive services that a program supported by a grant made pursuant to section 3 of this act must provide.

(b) Any evaluations in which a program supported by a grant made pursuant to section 3 of this act must participate.

(c) Requirements concerning the engagement of parents and guardians of pupils who participate in a program supported by a grant made pursuant to section 3 of this act.

(d) Indicators of performance for measuring the effectiveness of prekindergarten programs that receive grants pursuant to section 3 of this act and minimum standards of performance that each program supported by a grant must meet. The State Board shall review these regulations annually to determine whether it is necessary to update the indicators of performance or standards.

2. The State Board may adopt any other regulations necessary to carry out the provisions of sections 2 to 6, inclusive, of this act.

Sec. 6. *The Department shall, not later than November 1 of each odd-numbered year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education a report concerning the effectiveness of prekindergarten programs supported by grants awarded pursuant to section 3 of this act during the immediately preceding biennium. The report must include, without limitation:*

1. The number of grants awarded;

2. For each school district, sponsor of a charter school and nonprofit organization that received a grant during the immediately preceding biennium:

(a) The amount of the grant;

(b) The number of pupils who participated in a prekindergarten program supported by the grant; and

(c) The average cost per pupil who participated in each prekindergarten program supported by the grant;

3. A description of prekindergarten programs that were most effective, including, without limitation, the reasons for the effectiveness of those programs;

4. A description of any proposed revisions to the indicators of performance or minimum standards prescribed by the regulations adopted pursuant to section 5 of this act; and

5. Recommendations for any legislation to increase the effectiveness of the grants awarded pursuant to section 3 of this act.

Sec. 7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations ~~[establishing the Prekindergarten Account pursuant to section 2 of this act]~~ and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On ~~[January 1, 2020,]~~ July 1, 2019, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1010 to Senate Bill No. 84 eliminates section 2, which establishes the Prekindergarten Account. It revises section 3 by eliminating the requirement that funding for prekindergarten grants be awarded as a competitive grant program. The amendment would require

each prekindergarten program supported by the grant employ at least one teacher per classroom who has a bachelor's degree or higher in early childhood education and maintain a class size of no more than 20 pupils and a ratio of not more than 10 pupils per adult in the classroom. It revises section 4 by expanding the requirement that all grant funds received from the program be accounted for separately by the sponsor and the governing body of the charter school from all other funds. It revises the effective date in section 8 to July 1, 2019, and revises certain sections in the bill that refer to charter schools or the governing body of a charter school to indicate sponsor of a charter school.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 324.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1025.

SUMMARY—Revises provisions relating to education. (BDR 34-683)

AN ACT relating to education; renaming the Teachers' School Supplies Reimbursement Account as the Teachers' School Supplies Assistance Account; authorizing the use of ~~[a credit or debit card]~~ certain methods to disburse money from a special revenue fund established to use money received from the ~~[Teachers' School Supplies Reimbursement]~~ Account; authorizing a teacher to request an additional disbursement or reimbursement in certain circumstances from such a special revenue fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Teachers' School Supplies Reimbursement Account. (NRS 387.1253) Section 1 of this bill renames the Account the Teachers' School Supplies Assistance Account. Existing law requires the board of trustees of each school district and the governing body of each charter school to establish a special revenue fund to be used only to reimburse a teacher for his or her out-of-pocket expenses incurred by purchasing necessary school supplies for pupils he or she instructs. (NRS 387.1255) Under existing law, the Department of Education is required to establish the amount of reimbursement for each teacher, which must not exceed $250 per fiscal year. Existing law further requires any money remaining in the special revenue fund to revert back to the Teachers' School Supplies Reimbursement Account. (NRS 387.1255) Section ~~[1]~~ 1.5 of this bill authorizes money in the special revenue fund to be ~~[used]~~ disbursed to a teacher in additional ways. It may be disbursed: (1) by depositing money directly into the account of a teacher maintained at a financial institution; (2) by providing a check written to the teacher; or (3) in the form of a credit , purchasing or debit card issued by a school to a teacher to directly purchase necessary school supplies. Section ~~[1]~~ 1.5 also authorizes a teacher who has used the entirety of his or her allotted disbursement or reimbursement to request an additional disbursement or reimbursement if there is money remaining in the special revenue fund. ~~[Finally, section 1 provides that any money remaining in the special revenue~~

~~fund at the end of the fiscal year does not revert back to the Teachers' School Supplies Reimbursement Account and must be carried forward to the next fiscal year.]~~

Existing law requires the board of trustees of each school district and the governing body of each charter school to determine the manner in which to distribute the money in the special revenue fund to the teachers in the school district or charter school. (NRS 387.1257) Section 2 of this bill empowers the board of trustees of a school district and the governing body of a charter school to authorize a school to allow a teacher to use a credit , purchasing or debit card issued to the teacher by a school to directly purchase necessary school supplies ~~[.]~~ or to be provided money in any of the ways authorized to pay for the purchase of supplies for the pupils of the teacher. Section 2 also requires the board of trustees of a school district and the governing body of a charter school to adopt a policy that establishes the manner in which to account for disbursements or reimbursements of money using each form of payment approved by the board of trustees or the governing body.

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

Section 1. NRS 387.1253 is hereby amended to read as follows:

387.1253 1. The Teachers' School Supplies ~~[Reimbursement]~~ *Assistance* Account is hereby created in the State General Fund. The Department shall administer the Account.

2. The money in the Account must be invested as other money of the State is invested. All interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account must be used only for the purposes specified in NRS 387.1255.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward.

5. The Department may accept gifts, grants, bequests and donations from any source for deposit in the Account.

~~[Section 1.]~~ *Sec. 1.5.* NRS 387.1255 is hereby amended to read as follows:

387.1255 1. On or before September 1 of each year, the Department shall determine the amount of money that is available in the Teachers' School Supplies ~~[Reimbursement]~~ *Assistance* Account created by NRS 387.1253 for distribution among all of the school districts and charter schools in this State for that fiscal year. Any such distribution must be provided to each school district and charter school based on the number of teachers employed by the school district or charter school, as applicable. To the extent that money is available, the Department shall establish the amount of *disbursement or* reimbursement for each teacher which must not exceed $250 per fiscal year.

2. The board of trustees of each school district and the governing body of each charter school shall establish a special revenue fund and direct that the

money it receives pursuant to subsection 1 be deposited in that fund. Money in the special revenue fund must not be commingled with money from other sources. The board of trustees or the governing body, as applicable, shall disburse money in the special revenue fund to teachers in accordance with NRS 387.1257.

3. The money in the special revenue fund must be used only to ~~[reimburse]~~ *:*

(a) Pay for a purchase of necessary school supplies for the pupils instructed by a teacher using a purchasing card or debit card issued for this purpose to the teacher by a school;

(b) Pay the balance owed on a credit card issued to a teacher by a school to pay for a purchase of necessary school supplies for the pupils the teacher instructs; ~~[or]~~

(c) Deposit money directly into the account of a teacher maintained at a financial institution to pay for a purchase of necessary school supplies for the pupils the teacher instructs;

(d) Provide a check written to a teacher to pay for a purchase of necessary school supplies for the pupils the teacher instructs; or

(e) Reimburse teachers for out-of-pocket expenses incurred in connection with purchasing necessary school supplies for the pupils they instruct.

4. *If there is money remaining in the special revenue fund because one or more teachers at the school did not use the amount established for his or her disbursement or reimbursement pursuant to subsection 1, the board of trustees of a school district or the governing body of a charter school, as applicable, shall allow a teacher who has used the entire amount of his or her disbursement or reimbursement pursuant to subsection 1 to request an additional disbursement or reimbursement from the special revenue fund. The combined total amount of a disbursement or reimbursement and an additional disbursement or reimbursement for each teacher must not exceed $250 per fiscal year.*

5. The board of trustees or governing body of a charter school, as applicable, shall not use money in the special revenue fund to pay any administrative costs.

~~[5.]~~ *6.* Any money remaining in the special revenue fund at the end of a fiscal year reverts ~~*[does not revert]*~~ to the Teachers' School Supplies ~~[Reimbursement]~~ *Assistance* Account *.* ~~*[and must be carried forward to the next fiscal year.]*~~

Sec. 2. NRS 387.1257 is hereby amended to read as follows:

387.1257 1. The board of trustees of each school district and the governing body of each charter school that receives money pursuant to subsection 1 of NRS 387.1255 shall determine the manner in which to distribute the money to teachers in the school district or charter school, as applicable, including, without limitation, whether to *authorize a school to allow teachers to use a credit card, purchasing card or debit card connected to the special revenue fund issued to the teacher by the school to directly*

purchase school supplies , ~~*[or]*~~ require a teacher to submit a request for a claim for reimbursement for out-of-pocket expenses from the special revenue fund established pursuant to NRS 387.1255 ~~[.]~~ *or authorize any other manner of providing money to a teacher described in subsection 3 of NRS 387.1255 to pay for school supplies for the pupils the teacher instructs.*

2. To the extent that money is available in the special revenue fund, the board of trustees or governing body, as applicable, may reimburse a teacher , *or the teacher may use*, up to the maximum amount determined by the Department for each teacher pursuant to NRS 387.1255 for the fiscal year.

3. If the board of trustees of a school district or the governing body of a charter school, as applicable, requires a teacher to submit a claim for reimbursement for out-of-pocket expenses to receive money from the special revenue fund, the teacher must submit such a claim no later than 2 weeks after the last day of the school year.

4. The board of trustees of a school district may enter into an agreement with the recognized employee organization representing licensed educational personnel within the school district for the purpose of obtaining assistance of the employee organization in administering the reimbursement of teachers pursuant to this section.

5. ~~*[A teacher who receives money from or uses a credit card or debit card issued by a school to the teacher connected to the special revenue fund must submit receipts for any supplies purchased with the money or credit card or debit card issued by a school to the teacher*~~ to the principal of the school or charter school, as applicable. The principal must maintain such receipts until the end of the next fiscal year and make them available for inspection upon request of the Department.~~*]*~~

~~*6. If a]*~~ *A teacher who* ~~*[uses a credit card or debit card issued by a school to the teacher]*~~ *receives money pursuant to subsection 1 to directly purchase school supplies* ~~*[purchases anything other than school supplies or spends more than the maximum amount authorized pursuant to NRS 387.1255 in any fiscal year, the teacher]*~~ *shall repay to the special revenue fund established pursuant to NRS 387.1255* ~~*[the full amount of any such transaction.]*~~ *by not later than the last day of the fiscal year in which the money was received:*

(a) Any amount that was not used;

(b) Any amount that was used to purchase something other than school supplies; and

(c) Any amount that exceeds the maximum amount authorized pursuant to NRS 387.1255 in any fiscal year.

6. The board of trustees of each school district and the governing body of each charter school shall adopt a policy that establishes the manner in which to account for reimbursements or disbursements of money, as applicable, through each form of payment authorized for use by the board of trustees or the governing body, as applicable. The policy may include, without limitation, a requirement to submit receipts for any purchase of supplies with money received pursuant to subsection 1.

Sec. 2.5. NRS 120A.645 is hereby amended to read as follows:

120A.645 1. A person with a claim to property paid or delivered to the Administrator that is less than $500 may, if the claim is allowed by the Administrator pursuant to NRS 120A.640, donate the money or the net proceeds from the sale of the property, together with any dividend, interest or other increment to which the person is entitled under NRS 120A.600 and 120A.610, to the State for educational purposes.

2. The Administrator must, within 30 days after the allowance of a claim pursuant to NRS 120A.040, transfer the amount of the claim, together with any dividend, interest or other increment to which the person is entitled under NRS 120A.600 and 120A.610, from the Abandoned Property Trust Account to the Teachers' School Supplies ~~[Reimbursement]~~ *Assistance* Account created pursuant to NRS 387.1253.

3. The Administrator may adopt regulations to carry out the provisions of this section.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1025 to Senate Bill No. 324 renames the Teachers' Supplies Reimbursement Account to the Teachers' School Supplies Assistance Account. It authorizes money in the special revenue fund be disbursed to teachers in additional ways other than reimbursement including direct deposit, check, purchasing card, credit card or debit card. It retains language that any money remaining in the special revenue fund at the end of the fiscal year reverts to the Teachers' School Supplies Assistance Account; authorizes the board of trustees or the governing body of a charter school to allow a teacher who has used the entire amount of his or her disbursement or reimbursement to request an additional allocation of money as long as the combined total amount does not exceed $250 per fiscal year.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 1021.

SUMMARY—Revises provisions relating to education. (BDR S-640)

AN ACT relating to education; directing the Legislative ~~[Commission to appoint a committee concerning]~~ Committee on Education to study the provision of a safe and respectful learning environment that is free of bullying, cyber-bullying and ~~[sexual]~~ discriminatory harassment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ 2 of this bill directs the Legislative ~~[Commission to appoint a committee]~~ Committee on Education to conduct an interim study concerning the provision of a safe and respectful learning environment that is free of bullying, cyber-bullying and ~~[sexual]~~ discriminatory harassment. Section ~~[1]~~ 2

also requires the Committee to consult with and solicit input from certain persons and organizations with expertise and experience in matters relevant to the provision of a safe and respectful learning environment that is free of bullying, cyber-bullying and ~~[sexual]~~ discriminatory harassment. Section ~~[3]~~ 2.5 of this bill ~~[requires the Legislative Counsel Bureau to provide administrative and technical assistance to the committee at the request of the Chair of the committee.]~~ requires the Committee, in conducting the study, to: (1) review certain specific subjects relating to the provision of a safe and respectful learning environment; and (2) make recommendations concerning any matter relating to the study, including recommendations concerning proposed legislation.

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

Section 1. As used in sections 2 and 2.5 of this act, unless the context otherwise requires, "discriminatory harassment" means discrimination or harassment on the basis of race, color, religion, sex, age, disability, sexual orientation, national origin, ancestry or gender identity or expression.

~~[Section 1.]~~ *Sec. 2.* 1. The Legislative ~~[Commission]~~ Committee on Education shall ~~[appoint a committee to conduct an interim]~~ study ~~[concerning]~~ the provision of a safe and respectful learning environment that is free of bullying, cyber-bullying and ~~[sexual]~~ discriminatory harassment ~~[.]~~ to ensure that each pupil enrolled in an elementary school, junior high school, middle school or high school in this State and each student enrolled in an institution of the Nevada System of Higher Education is provided with equal access to education.

~~[2. The committee must be composed of:~~

~~(a) Two voting members of the Legislature appointed by the Majority Leader of the Senate;~~

~~(b) Two voting members of the Legislature appointed by the Speaker of the Assembly;~~

~~(c) One voting member of the Legislature appointed by the Minority Leader of the Senate; and~~

~~(d) One voting member of the Legislature appointed by the Minority Leader of the Assembly.~~

~~3. The Majority Leader of the Senate shall appoint a Chair and Vice Chair of the committee.~~

~~4.]~~ 2. The Committee shall consult with and solicit input from persons and organizations with expertise or experience in matters relevant to bullying, cyber-bullying and ~~[sexual]~~ discriminatory harassment, including, without limitation:

(a) For the southern region of this State, the northern region of this State and the rural region of this State, one or more representatives from school districts, elementary schools, junior high schools, middle schools and high schools for each region;

(b) For the southern region of this State and the northern region of this State, one or more representatives from a community college and university of the Nevada System of Higher Education located in each region;

(c) Representatives of organizations that assist victims of sexual assault, sexual harassment or similar crimes, including, without limitation:

(1) The Nevada Coalition to End Domestic and Sexual Violence;

(2) Crisis Support Services of Nevada; and

(3) The Rape Crisis Center;

(d) Representatives with expertise in representing the rights of a person who is accused of misconduct concerning bullying, cyber-bullying or ~~[sexual]~~ discriminatory harassment in violation of federal, state or local law, ~~[or]~~ including, without limitation, Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations adopted pursuant thereto; and

(e) Students enrolled in an institution of the Nevada System of Higher Education.

3. On or before February 1, 2021, the Legislative Committee on Education shall submit the report of its findings and any recommendations to the Director of the Legislative Counsel Bureau for transmission to the 81st Session of the Nevada Legislature.

~~[Sec. 2.]~~ *Sec. 2.5.* In studying the provision of a safe and respectful learning environment that is free of bullying, cyber-bullying and ~~[sexual]~~ discriminatory harassment, the ~~[committee appointed pursuant to section 1 of this act]~~ Legislative Committee on Education shall:

1. Review Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., and any regulations proposed or adopted pursuant thereto;

2. Consider the existing laws of this State concerning the provision of a safe and respectful learning environment that is free of bullying, cyber-bullying and ~~[sexual]~~ discriminatory harassment and laws of this State concerning misconduct which constitutes bullying, cyber-bullying and ~~[sexual]~~ discriminatory harassment including, without limitation, the definition of such conduct, the response to such conduct, whether pupils enrolled in an elementary school, junior high school, middle school or high school feel safe at school , whether students enrolled in an institution of the Nevada System of Higher Education feel safe at that institution and whether the concerns of such pupils and students are addressed;

3. Consider whether a person employed by ~~[a]~~ the board of trustees of a school district should be represented by a third-party if such an employee is accused of bullying, cyber-bullying or ~~[sexual]~~ discriminatory harassment;

4. Identify methods for responding to retaliation against a victim of bullying, cyber-bullying and ~~[sexual]~~ discriminatory harassment; and

5. Make recommendations concerning any matter relating to the study including, without limitation, recommendations concerning proposed legislation.

Sec. 3. ~~[The Legislative Counsel Bureau shall provide administrative and technical assistance to the committee appointed pursuant to section 1 of this act as requested by the Chair of the committee.]~~ (Deleted by amendment.)

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 1021 to Senate Bill No. 332 shifts the interim study to the interim Legislative Committee on Education. Throughout the bill it revises the term "sexual harassment" with "discriminatory harassment." The bill includes colleges and universities in the study as they relate to reviewing student safety.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1026.

SUMMARY—Makes an appropriation for the creation and maintenance of school gardens ~~[.]~~ for certain Title I schools. (BDR S-580)

AN ACT making an appropriation for allocation to nonprofit organizations to provide programs for the creation and maintenance of school gardens for certain Title I schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 167 of the 79th Session of the Nevada Legislature was ~~[adopted]~~ enacted to strongly encourage each school to establish and participate in programs, including a school garden program, to promote the consumption of fresh fruits and vegetables by children. (Chapter 452, Statutes of Nevada 2017, p. 2915)

This bill appropriates money for allocation to nonprofit organizations to provide for the creation and maintenance of programs that provide school gardens , including hydroponic gardens, for Title I schools.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the ~~[State Department of Agriculture]~~ Other State Education Programs Account in the State General Fund for the cost of creating and maintaining programs for school gardens that meet the requirements of subsection 4 the following sums:

For the Fiscal Year 2019-2020..... $410,000

For the Fiscal Year 2020-2021..... $205,000

2. ~~[Subject to the limitations of subsection 6, the]~~ The Department of Education shall allocate the money appropriated by subsection 1 to ~~[schools]~~ nonprofit organizations which meet the requirements of subsection 3 to provide at the qualifying school a program for a school garden which meets the requirements set forth in subsection 4.

3. For a ~~[school]~~ nonprofit organization to receive an allocation of money pursuant to subsection 2 ~~[,]~~ to provide a program for a school garden, the school at which the program will be implemented must be a Title I school , as defined in NRS 385A.040.

4. For a ~~[school]~~ nonprofit organization to receive an allocation of money to provide a program for a school garden pursuant to subsection 2, the program must:

(a) Create and maintain a school garden at the school.

(b) Have a curriculum that:

(1) ~~[Is]~~ Includes a comprehensive science, technology, engineering and mathematics school garden program. Such a program must include, without limitation, a science, technology, engineering and mathematics curriculum for outdoor or hydroponic gardens for pupils in kindergarten through grade 5 that is tailored to pupils of the appropriate grade levels at the school;

(2) Is written specifically for Nevada and the desert environment of Nevada;

(3) Complies with the standards of content and performance for a course of study in science adopted by the State Board of Education pursuant to NRS 389.520;

(4) Uses experiential learning or project-based learning to teach science, technology, engineering, arts and mathematics;

(5) Is designed with the assistance of teachers and other educational personnel with experience at the appropriate grade levels at the school; and

(6) Involves supervised learning experiences for the pupils at the school in a classroom and ~~[an outdoor]~~ a school garden.

(c) Provide the school with assistance from members of the community, including without limitation, trained educators, local farmers and local chefs.

(d) Provide pupils with the:

(1) Ability to operate a farmer's market to sell the produce from the school garden; and

(2) Opportunity to have a local chef or employee of a school who works in food services demonstrate how to cook a meal using the produce grown from the school garden.

(e) Establish garden teams comprised of teachers and, if such persons are available, parents and members of the community. Each garden team shall meet at least once each month.

(f) Require any local nonprofit or community-based organization which will provide services to implement the program for a school garden to have at least 2 years of experience implementing such a program.

5. Money allocated pursuant to subsection 2 may be used ~~[by a school]~~ to:

(a) Provide professional development for teachers regarding the:

(1) Use of a school garden to teach pupils with disabilities ~~[,]~~ , including, without limitation, training for teaching such pupils science, technology, engineering and mathematics curriculum and vocational training to create a career path in horticulture;

(2) Development and implementation of science, technology, engineering, arts and mathematics curricula that incorporate the use of a school garden; ~~[and]~~

(3) Development and implementation of training that may be provided to a group or individually to teachers in how to establish and maintain school gardens to increase the time teachers allocate to teaching science, technology, engineering and mathematics; and

(4) Development and implementation of a food safety plan designed to ensure that food grown in a school garden is properly handled and safe to sell and consume;

(b) Pay for any travel expenses associated with the attendance of a teacher at any training or conference relating to school gardens; and

(c) Pay for the costs of a conference regarding school gardens held in this State.

6. ~~[Pursuant to subsection 2, a school may receive an allocation of not more than $10,000 for the Fiscal Year 2019-2020 and not more than $5,000 for the Fiscal Year 2020-2021.~~

~~7.]~~ As used in this section, "school garden" includes, without limitation, a hydroponic garden.

Sec. 2. Upon acceptance of the money allocated pursuant to section 1 of this act, a nonprofit organization agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before October 1, 2020, that describes each expenditure made from the money allocated pursuant to section 1 of this act from the date on which the money was received by the nonprofit organization through June 30, 2020;

2. Prepare and transmit a final report to the Interim Finance Committee on or before October 1, 2021, that describes each expenditure made from the money allocated pursuant to section 1 of this act from the date on which the money was received by the nonprofit organization through June 30, 2021; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the nonprofit organization, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money allocated pursuant to section 1 of this act.

Sec. 3. Any balance of the sums appropriated by ~~[subsection 1]~~ section 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State

General Fund on or before September 18, 2020, and September 17, 2021, respectively.

~~[Sec. 2.]~~ *Sec. 4.* This act becomes effective on July 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1026 to Senate Bill No. 458 removes the Department of Agriculture and instead appropriates the funding to the Department of Education's Other State Education Programs account for allocation to nonprofit organizations. It also clarifies that school gardens may include hydroponic gardens. It directs the Department of Education to allocate the funding directly to qualifying nonprofit organizations as opposed to the nonprofits applying to individual schools for grant funding. It specifies that a qualifying nonprofit organization must have a curriculum that includes a comprehensive science, technology, engineering and mathematics, or STEM, school garden program. Such a program must include, without limitation, a STEM curriculum for outdoor gardens, including hydroponic gardens for pupils in kindergarten through grade five that is grade appropriate.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 92.

Bill read second time and ordered to third reading.

Assembly Bill No. 276.

Bill read second time and ordered to third reading.

Assembly Bill No. 526.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 121.

The following Assembly amendment was read:

Amendment No. 818.

SUMMARY—Revises provisions relating to fiduciaries. (BDR 13-99)

AN ACT relating to fiduciaries; adopting a power of attorney for health care decisions for persons with any form of dementia; revising provisions relating to the authority of a principal under a power of attorney; revising provisions governing the authority of public guardians to conduct certain investigations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing durable powers of attorney for health care decisions. (NRS 162A.700-162A.865) Existing law specifically provides a form for a power of attorney for health care decisions and a form for a power of attorney for health care decisions for adults with intellectual disabilities. (NRS 162A.860, 162A.865) Section 1.5 of this bill provides a form for a power of attorney for health care decisions for persons with any form of dementia that is based on the form for a power of attorney for health care decisions for adults with intellectual disabilities. Sections 4, 5 and 6 of this bill make conforming changes.

Sections 2 and 3 of this bill specify that a person who has executed a power of attorney for financial matters continues to have the authority to act on his or her own behalf and that any decision or instruction communicated by that person supersedes any decision or instruction communicated by an agent appointed under the power of attorney, unless the power of attorney removes this authority.

Existing law requires certain forms relating to the appointment of a guardian, a general power of attorney, a power of attorney for health care decisions and a power of attorney for health care decisions for an adult with an intellectual disability to be notarized with a declaration from the notary public declaring under penalty of perjury that the persons whose names are on the form appear to be of sound mind and under no duress, fraud or undue influence. (NRS 159.0753, 162A.620, 162A.860, 162A.865) Sections 1, 3, 6 and 6.5 of this bill remove the declaration required by a notary public. Section 1.5 removes the same declaration for the form for a power of attorney for health care decisions for persons with any form of dementia.

Existing law authorizes a public guardian to: (1) investigate the financial status, assets and personal and family history of any person for whom the public guardian has been appointed as guardian, without hiring or being licensed as a private investigator in accordance with existing law; and (2) require any person for whom the public guardian has been appointed as guardian or any spouse, parent, child or other relative of that person to give any information or execute any written requests or authorizations necessary to provide the public guardian with access to records needed by the public guardian. (NRS 253.220) Section 7 of this bill ~~[authorizes the public guardian of any county to take such actions with respect to a protected person. Section 7]~~ additionally authorizes a public guardian of a county with a population of less than 100,000 to petition a court to take these actions with respect to any potential protected person for whom the public guardian has received a referral from the Aging and Disability Services Division of the Department of Health and Human Services, a law enforcement agency or a court in connection with a civil or criminal matter relating to the potential protected person. Section 7 defines "potential protected person" and "protected person" for the purposes of this section.

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

Section 1. NRS 159.0753 is hereby amended to read as follows:

159.0753 1. Any person who wishes to request to nominate another person to be appointed as his or her guardian may do so by completing a form requesting to nominate a guardian in accordance with this section.

2. A form requesting to nominate a guardian must be:

(a) Signed by the person requesting to nominate a guardian;

(b) Signed by two impartial adult witnesses who have no interest, financial or otherwise, in the estate of the person requesting to nominate a guardian and

who attest that the person has the mental capacity to understand and execute the form; and

(c) Notarized.

3. A request to nominate a guardian may be in substantially the following form, and must be witnessed and executed in the same manner as the following form:

REQUEST TO NOMINATE GUARDIAN

I, ... (insert your name), residing at ..... (insert your address), am executing this notarized document as my written declaration and request for the person(s) designated below to be appointed as my guardian should it become necessary. I am advising the court and all persons and entities as follows:

1. As of the date I am executing this request to nominate a guardian, I have the mental capacity to understand and execute this request.

2. This request pertains to a (circle one): (guardian of the person)/(guardian of the estate)/(guardian of the person and estate).

3. Should the need arise, I request that the court give my preference to the person(s) designated below to serve as my appointed guardian.

4. I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.

5. If ..... (insert name) is unable or unwilling to serve as my appointed guardian, then I request that my ..... (insert relation), ... (insert name), serve as my appointed guardian.

6. I do not, under any circumstances, desire to have any private, for-profit guardian serve as my appointed guardian.

(YOU MUST DATE AND SIGN THIS DOCUMENT)

I sign my name to this document on ..... (date)

.....

(Signature)

(YOU MUST HAVE TWO QUALIFIED ADULT WITNESSES DATE AND SIGN THIS DOCUMENT)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed this request to nominate a guardian in my presence, that the principal appears to be of sound mind, has the mental capacity to understand and execute this document and is under no duress, fraud or undue influence, and that I have no interest, financial or otherwise, in the estate of the principal.

.....

(Signature of first witness)

.....

(Print name)

.....

(Date)

.....

(Signature of second witness)

.....
(Print name)
.....
(Date)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada }
}
County of ..... }

On this ..... day of ....., in the year ...., before me, ... (insert name of notary public), personally appeared ..... (insert name of principal), ... (insert name of first witness) and ..... (insert name of second witness), personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to this instrument, and acknowledged that they have signed this instrument. ~~[I declare under penalty of perjury that the persons whose names are subscribed to this instrument appear to be of sound mind and under no duress, fraud or undue influence.]~~

.....
(Signature of notarial officer)
(Seal, if any)

4. The Secretary of State shall make the form established in subsection 3 available on the Internet website of the Secretary of State.

5. The Secretary of State may adopt any regulations necessary to carry out the provisions of this section.

Sec. 1.5. Chapter 162A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The form of a power of attorney for health care for an adult with any form of dementia may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

My name is ..... (insert your name) and my address is ..... (insert your address). I would like to designate ..... (insert the name of the person you wish to designate as your agent for health care decisions for you) as my agent for health care decisions for me if I am sick or hurt and need to see a doctor or go to the hospital. I understand what this means.

If I am sick or hurt, my agent should take me to the doctor. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's office. I would like the doctor to speak with my agent and, if I have the capacity to understand, me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor, if I have the capacity to understand, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment,

my agent will tell the doctor about our decisions and sign any necessary papers.

If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.

I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.

I would also like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.

I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.

If my agent is unable to make health care decisions for me, then I designate ..... (insert the name of another person you wish to designate as your alternative agent to make health care decisions for you) as my agent to make health care decisions for me as authorized in this document.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ... (state)

.....

(Signature)

AGENT SIGNATURE

As agent for ..... (insert name of principal), I agree that a physician, health care facility or other provider of health care, acting in good faith, may rely on this power of attorney for health care and the signatures herein, and I understand that pursuant to NRS 162A.815, a physician, health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care is not subject to civil or criminal liability or discipline for unprofessional conduct for giving effect to a declaration contained

within the power of attorney for health care or for following the direction of an agent named in the power of attorney for health care.

I also agree that:

1. I have a duty to act in a manner consistent with the desires of ..... (insert name of principal) as stated in this document or otherwise made known by ..... (insert name of principal), or if his or her desires are unknown, to act in his or her best interest.

2. If ..... (insert name of principal) revokes this power of attorney at any time, either verbally or in writing, I have a duty to inform any persons who may rely on this document, including, without limitation, treating physicians, hospital staff or other providers of health care, that I no longer have the authorities described in this document.

3. The provisions of NRS 162A.840 prohibit me from being named as an agent to make health care decisions in this document if I am a provider of health care, an employee of the principal's provider of health care or an operator or employee of a health care facility caring for the principal, unless I am the spouse, legal guardian or next of kin of the principal.

4. The provisions of NRS 162A.850 prohibit me from consenting to the following types of care or treatments on behalf of the principal, including, without limitation:

(a) Commitment or placement of the principal in a facility for treatment of mental illness;

(b) Convulsive treatment;

(c) Psychosurgery;

(d) Sterilization;

(e) Abortion;

(f) Aversive intervention, as it is defined in NRS 449A.203;

(g) Experimental medical, biomedical or behavioral treatment, or participation in any medical, biomedical or behavioral research program; or

(h) Any other care or treatment to which the principal prohibits the agent from consenting in this document.

5. End-of-life decisions must be made according to the wishes of ..... (insert name of principal), as designated in the attached addendum. If his or her wishes are not known, such decisions must be made in consultation with the principal's treating physicians.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....
Relationship to principal: .....
Length of relationship to principal: .....

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU

KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of .....}

On this ..... day of ....., in the year .., before me, ... (here insert name of notary public) personally appeared ..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it.

NOTARY SEAL .....
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... *Residence Address:* .....
Print Name: ....
Date: ....
Signature: ..... *Residence Address:* .....
Print Name: ....
Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal

upon the death of the principal under a will now existing or by operation of law.

Signature: .....

Signature: .....

Names: ..... Address: .....

Print Name: ....

Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

2. The form for end-of-life decisions of a power of attorney for health care for an adult with any form of dementia may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

END-OF-LIFE DECISIONS ADDENDUM
STATEMENT OF DESIRES

(You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.)

..... (Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live, ... (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.

If you are not able to talk to ..... (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.

Here are your choices. Please circle yes or no to each of the following statements and sign your name below:

1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel	*YES*	*NO*
2. I do not want to take medicine or receive treatment if my doctors think that the medicine or treatment will not help me.	*YES*	*NO*
3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better.	*YES*	*NO*

4. I want to get food and water even if I do not want to take medicine or receive treatment. YES NO

(YOU MUST DATE AND SIGN THIS END-OF-LIFE DECISIONS ADDENDUM)

I sign my name to this End-of-Life Decisions Addendum on ..... (date) at ..... (city), ... (state)

.....
(Signature)

(THIS END-OF-LIFE DECISIONS ADDENDUM WILL NOT BE VALID UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE; OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of ..... }

On this ..... day of ....., in the year .., before me, ... (here insert name of notary public) personally appeared ..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it.

NOTARY SEAL .....
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this End-of-Life Decisions Addendum in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by the power of attorney for health care and that I am not a provider of health care, an employee of a

provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....
Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....
Signature: .....
Names: ..... Address: .....
Print Name: ....
Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The End-of-Life Decisions Addendum should be available so a copy may be given to your providers of health care.

Sec. 2. NRS 162A.460 is hereby amended to read as follows:

162A.460 1. Except as otherwise provided in NRS 162A.450, if a power of attorney grants to an agent authority to do all acts that a principal could do or refers to general authority or cites a section of NRS 162A.200 to 162A.660, inclusive, in which the authority is described, the agent has the general authority described in NRS 162A.200 to 162A.660, inclusive.

2. A reference in a power of attorney to any part of a section in NRS 162A.200 to 162A.660, inclusive, incorporates the entire section as if it were set out in full in the power of attorney.

3. A principal may modify authority incorporated by reference.

4. Except as otherwise provided in NRS 162A.450, if the subjects over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.

5. Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later, whether or not the property is located in this State and whether or not the authority is exercised or the power of attorney is executed in this State.

6. An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.

7. Except as otherwise expressly provided in a power of attorney, the authority of a principal to act on his or her own behalf continues after executing a power of attorney and any decision or instruction communicated by the principal supersedes any inconsistent decision or instruction communicated by an agent pursuant to a power of attorney.

Sec. 3. NRS 162A.620 is hereby amended to read as follows:

162A.620 A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by NRS 162A.200 to 162A.660, inclusive:

STATUTORY FORM POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU. YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.

2. THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

3. THIS POWER OF ATTORNEY DOES NOT AUTHORIZE THE AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.

4. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

5. YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.

6. YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

7. THIS FORM PROVIDES FOR DESIGNATION OF ONE AGENT. IF YOU WISH TO NAME MORE THAN ONE AGENT YOU MAY NAME A CO-AGENT IN THE SPECIAL INSTRUCTIONS. CO-AGENTS ARE NOT REQUIRED TO ACT TOGETHER UNLESS YOU INCLUDE THAT REQUIREMENT IN THE SPECIAL INSTRUCTIONS.

8. IF YOUR AGENT IS UNABLE OR UNWILLING TO ACT FOR YOU, YOUR POWER OF ATTORNEY WILL END UNLESS YOU HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO NAME A SECOND SUCCESSOR AGENT.

9. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT.

10. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY.

11. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

1. DESIGNATION OF AGENT.

I, ...
(insert your name) do hereby designate and appoint:
Name: .....
Address: .....
Telephone Number: .....
as my agent to make decisions for me and in my name, place and stead and for my use and benefit and to exercise the powers as authorized in this document.

2. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same decisions as the agent designated above in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If my agent is unable or unwilling to act for me, then I designate the following person(s) to serve as my agent as authorized in this document, such person(s) to serve in the order listed below:

A. First Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

B. Second Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

3. OTHER POWERS OF ATTORNEY.

This Power of Attorney is intended to, and does, revoke any prior Power of Attorney for financial matters I have previously executed.

4. NOMINATION OF GUARDIAN.

If, after execution of this Power of Attorney, proceedings seeking an adjudication of incapacity are initiated either for my estate or my

person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

5. GRANT OF GENERAL AUTHORITY.

I grant my agent and any successor agent(s) general authority to act for me with respect to the following subjects:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

[...] Real Property
[...] Tangible Personal Property
[...] Stocks and Bonds
[...] Commodities and Options
[...] Banks and Other Financial Institutions
[...] Safe Deposit Boxes
[...] Operation of Entity or Business
[...] Insurance and Annuities
[...] Estates, Trusts and Other Beneficial Interests
[...] Legal Affairs, Claims and Litigation
[...] Personal Maintenance
[...] Benefits from Governmental Programs or Civil or Military Service
[...] Retirement Plans
[...] Taxes
[...] All Preceding Subjects

6. GRANT OF SPECIFIC AUTHORITY.

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

[...] Create, amend, revoke or terminate an inter vivos, family, living, irrevocable or revocable trust
[...] Make a gift, subject to the limitations of NRS and any special instructions in this Power of Attorney
[...] Create or change rights of survivorship
[...] Create or change a beneficiary designation
[...] Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
[...] Exercise fiduciary powers that the principal has authority to delegate
[...] Disclaim or refuse an interest in property, including a power of appointment

7. LIMITATION ON AGENT'S AUTHORITY.

An agent that is not my spouse MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

8. SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT: .....
.....
.....
.....

9. AUTHORITY OF PRINCIPAL.

Except as otherwise expressly provided in this Power of Attorney, the authority of a principal to act on his or her own behalf continues after executing this Power of Attorney and any decision or instruction communicated by the principal supersedes any inconsistent decision or instruction communicated by an agent appointed pursuant to this Power of Attorney.

~~[9.]~~ *10.* DURABILITY AND EFFECTIVE DATE. (INITIAL the clause(s) that applies.)

[...] DURABLE. This Power of Attorney shall not be affected by my subsequent disability or incapacity.

[...] SPRINGING POWER. It is my intention and direction that my designated agent, and any person or entity that my designated agent may transact business with on my behalf, may rely on a written medical opinion issued by a licensed medical doctor stating that I am disabled or incapacitated, and incapable of managing my affairs, and that said medical opinion shall establish whether or not I am under a disability for the purpose of establishing the authority of my designated agent to act in accordance with this Power of Attorney.

[...] I wish to have this Power of Attorney become effective on the following date: ...

[...] I wish to have this Power of Attorney end on the following date: ...

~~[10.]~~ *11.* THIRD PARTY PROTECTION.

Third parties may rely upon the validity of this Power of Attorney or a copy and the representations of my agent as to all matters relating to any power granted to my agent, and no person or agency who relies upon the representation of my agent, or the authority granted by my agent, shall incur any liability to me or my estate as a result of permitting my agent to exercise any power unless a third party knows or has reason to know this Power of Attorney has terminated or is invalid.

~~[11.]~~ *12.* RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information, by any government agency, business, creditor or third party who may have

information pertaining to my assets or income, to my agent named herein.

~~[12.]~~ *13.* SIGNATURE AND ACKNOWLEDGMENT. YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY. THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

I sign my name to this Power of Attorney on ..... (date) at ..... (city), ... (state)

.....
(Signature)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of ..... }

On this ..... day of ....., in the year ..., before me, ... (here insert name of notary public) personally appeared ..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. ~~[I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.]~~

NOTARY SEAL .....
(Signature of Notary Public)

IMPORTANT INFORMATION FOR AGENT

1. Agent's Duties. When you accept the authority granted under this Power of Attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the Power of Attorney is terminated or revoked. You must:

(a) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;

(b) Act in good faith;

(c) Do nothing beyond the authority granted in this Power of Attorney; and

(d) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

2. Unless the Special Instructions in this Power of Attorney state otherwise, you must also:

(a) Act loyally for the principal's benefit;

(b) Avoid conflicts that would impair your ability to act in the principal's best interest;

(c) Act with care, competence, and diligence;

(d) Keep a record of all receipts, disbursements and transactions made on behalf of the principal;

(e) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

(f) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

3. Termination of Agent's Authority. You must stop acting on behalf of the principal if you learn of any event that terminates this Power of Attorney or your authority under this Power of Attorney. Events that terminate a Power of Attorney or your authority to act under a Power of Attorney include:

(a) Death of the principal;

(b) The principal's revocation of the Power of Attorney or your authority;

(c) The occurrence of a termination event stated in the Power of Attorney;

(d) The purpose of the Power of Attorney is fully accomplished; or

(e) If you are married to the principal, your marriage is dissolved.

4. Liability of Agent. The meaning of the authority granted to you is defined in NRS 162A.200 to 162A.660, inclusive. If you violate NRS 162A.200 to 162A.660, inclusive, or act outside the authority granted in this Power of Attorney, you may be liable for any damages caused by your violation.

5. If there is anything about this document or your duties that you do not understand, you should seek legal advice.

Sec. 4. NRS 162A.700 is hereby amended to read as follows:

162A.700 NRS 162A.700 to 162A.865, inclusive, *and section 1.5 of this act* apply to any power of attorney containing the authority to make health care decisions.

Sec. 5. NRS 162A.710 is hereby amended to read as follows:

162A.710 As used in NRS 162A.700 to 162A.865, inclusive, *and section 1.5 of this act,* unless the context otherwise requires, the words and terms defined in NRS 162A.720 to 162A.780, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 162A.860 is hereby amended to read as follows:

162A.860 Except as otherwise provided in NRS 162A.865, *and section 1.5 of this act,* the form of a power of attorney for health care may be

substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS
WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.

4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.

5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE

NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.

7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.

8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.

9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

1. DESIGNATION OF HEALTH CARE AGENT.

I, ... (insert your name) do hereby designate and appoint:

Name: .....

Address: .....

Telephone Number: .....

as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations: .....
.....
.....
.....

5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date:

6. STATEMENT OF DESIRES.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are

consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures. [.....]

2. If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive if this subparagraph is initialed.) [.....]

3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.) [.....]

4. Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other treatment is withheld. [.....]

5. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life. [.....]

(If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires: .....
.....
.....
.....
.....
.....

7. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. First Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

B. Second Alternative Agent

Name: .....
Address: .....
Telephone Number: .....

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

9. WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

10. CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.

11. NOMINATION OF GUARDIAN.

If, after execution of this Durable Power of Attorney for Health Care, proceedings seeking an adjudication of incapacity are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

12. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information by any government agency, medical provider, business, creditor or third party who may have information pertaining to my health care, to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ... (state)

.....

(Signature)

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of ..... }

On this..... day of....., in the year.., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. ~~[I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.]~~

NOTARY SEAL .....

(Signature of Notary Public)

STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document

notarized, you must use two qualified adult witnesses. None of the following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....
Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....
Signature: .....
Names: ..... Address: .....
Print Name: ....
Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

Sec. 6.5. NRS 162A.865 is hereby amended to read as follows:

162A.865 1. The form of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS

My name is..... (insert your name) and my address is..... (insert your address). I would like to designate..... (insert the name of the person you wish to designate as your agent for health care decisions for you) as my agent for health care decisions for me if I am sick or hurt

and need to see a doctor or go to the hospital. I understand what this means.

If I am sick or hurt, my agent should take me to the doctor. If my agent is not with me when I become sick or hurt, please contact my agent and ask him or her to come to the doctor's office. I would like the doctor to speak with my agent and me about my sickness or injury and whether I need any medicine or other treatment. After we speak with the doctor, I would like my agent to speak with me about the care or treatment. When we have made decisions about the care or treatment, my agent will tell the doctor about our decisions and sign any necessary papers.

If I am very sick or hurt, I may need to go to the hospital. I would like my agent to help me decide if I need to go to the hospital. If I go to the hospital, I would like the people who work at the hospital to try very hard to care for me. If I am able to communicate, I would like the doctor at the hospital to speak with me and my agent about what care or treatment I should receive, even if I am unable to understand what is being said about me. After we speak with the doctor, I would like my agent to help me decide what care or treatment I should receive. Once we decide, my agent will sign any necessary paperwork. If I am unable to communicate because of my illness or injury, I would like my agent to make decisions about my care or treatment based on what he or she thinks I would do and what is best for me.

I would like my agent to help me decide if I need to see a dentist and help me make decisions about what care or treatment I should receive from the dentist. Once we decide, my agent will sign any necessary paperwork.

I would also like my agent to be able to see and have copies of all my medical records. If my agent requests to see or have copies of my medical records, please allow him or her to see or have copies of the records.

I understand that my agent cannot make me receive any care or treatment that I do not want. I also understand that I can take away this power from my agent at any time, either by telling my agent that he or she is no longer my agent or by putting it in writing.

If my agent is unable to make health care decisions for me, then I designate..... (insert the name of another person you wish to designate as your alternative agent to make health care decisions for you) as my agent to make health care decisions for me as authorized in this document.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ... (state)

.....

(Signature)

AGENT SIGNATURE

As agent for..... (insert name of principal), I agree that a physician, health care facility or other provider of health care, acting in good faith, may rely on this power of attorney for health care and the signatures herein, and I understand that pursuant to NRS 162A.815, a physician, health care facility or other provider of health care that in good faith accepts an acknowledged power of attorney for health care is not subject to civil or criminal liability or discipline for unprofessional conduct for giving effect to a declaration contained within the power of attorney for health care or for following the direction of an agent named in the power of attorney for health care.

I also agree that:

1. I have a duty to act in a manner consistent with the desires of..... (insert name of principal) as stated in this document or otherwise made known by..... (insert name of principal), or if his or her desires are unknown, to act in his or her best interest.

2. If..... (insert name of principal) revokes this power of attorney at any time, either verbally or in writing, I have a duty to inform any persons who may rely on this document, including, without limitation, treating physicians, hospital staff or other providers of health care, that I no longer have the authorities described in this document.

3. The provisions of NRS 162A.840 prohibit me from being named as an agent to make health care decisions in this document if I am a provider of health care, an employee of the principal's provider of health care or an operator or employee of a health care facility caring for the principal, unless I am the spouse, legal guardian or next of kin of the principal.

4. The provisions of NRS 162A.850 prohibit me from consenting to the following types of care or treatments on behalf of the principal, including, without limitation:

(a) Commitment or placement of the principal in a facility for treatment of mental illness;

(b) Convulsive treatment;

(c) Psychosurgery;

(d) Sterilization;

(e) Abortion;

(f) Aversive intervention, as it is defined in NRS 449A.203;

(g) Experimental medical, biomedical or behavioral treatment, or participation in any medical, biomedical or behavioral research program; or

(h) Any other care or treatment to which the principal prohibits the agent from consenting in this document.

5. End-of-life decisions must be made according to the wishes of..... (insert name of principal), as designated in the attached addendum. If

his or her wishes are not known, such decisions must be made in consultation with the principal's treating physicians.

Signature: ..... Residence Address: .....

Print Name: ....

Date: ....

Relationship to principal: .....

Length of relationship to principal: .....

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of .....}

On this..... day of....., in the year.., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. ~~[I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.]~~

NOTARY SEAL .....
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the

operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....
Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....
Signature: .....
Names: ..... Address: .....
Print Name: ....
Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

2. The form for end-of-life decisions of a power of attorney for health care for an adult with an intellectual disability may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

END-OF-LIFE DECISIONS ADDENDUM
STATEMENT OF DESIRES

(You can, but are not required to, state what you want to happen if you get very sick and are not likely to get well. You do not have to complete this form, but if you do, your agent must do as you ask if you cannot speak for yourself.)

..... (Insert name of agent) might have to decide, if you get very sick, whether to continue with your medicine or to stop your medicine, even if it means you might not live..... (Insert name of agent) will talk to you to find out what you want to do, and will follow your wishes.

If you are not able to talk to..... (insert name of agent), you can help him or her make these decisions for you by letting your agent know what you want.

Here are your choices. Please circle yes or no to each of the following statements and sign your name below:

1. I want to take all the medicine and receive any treatment I can to keep me alive regardless of how the medicine or treatment makes me feel. YES NO

2. I do not want to take medicine or receive treatment if my doctors think that the medicine or treatment will not help me. YES NO

3. I do not want to take medicine or receive treatment if I am very sick and suffering and the medicine or treatment will not help me get better. YES NO

4. I want to get food and water even if I do not want to take medicine or receive treatment. YES NO

(YOU MUST DATE AND SIGN THIS END-OF-LIFE DECISIONS ADDENDUM)

I sign my name to this End-of-Life Decisions Addendum on ..... (date) at ..... (city), ... (state)

.....
(Signature)

(THIS END-OF-LIFE DECISIONS ADDENDUM WILL NOT BE VALID UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO YOU KNOW AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of }

On this..... day of....., in the year.., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. ~~[I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.]~~

NOTARY SEAL .....
(Signature)

STATEMENT OF WITNESSES

(If you choose to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. The following people cannot be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee

of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this End-of-Life Decisions Addendum in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by the power of attorney for health care and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ....
Date: ....
Signature: ..... Residence Address: .....
Print Name: ....
Date: ....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....
Signature: .....
Names: ..... Address: .....
Print Name: ....
Date: ....

COPIES: You should retain an executed copy of this document and give one to your agent. The End-of-Life Decisions Addendum should be available so a copy may be given to your providers of health care.

Sec. 7. NRS 253.220 is hereby amended to read as follows:

253.220 *1.* A *public guardian may investigate the financial status, assets and personal and family history of any protected person* ~~[,]~~ *for whom the public guardian has been appointed as guardian, without hiring or being licensed as a private investigator pursuant to chapter 648 of NRS. In connection with the investigation, the public guardian may require* ~~[any]~~ *the protected person or any spouse, parent, child or other kindred of the protected person, to give any information and to execute and deliver any written requests or authorizations necessary to provide the public guardian with access to records, otherwise confidential, which are needed by the public guardian. The public guardian may obtain information from any public record office of the State or any of its agencies or subdivisions upon request and without payment of any fees.*

2. In a county whose population is less than 100,000, a public guardian may *petition a court to* investigate the financial status, assets and personal and family history of any ~~[person for whom the public guardian has been appointed as guardian,]~~ *potential protected person for whom the public guardian has received a referral from the Aging and Disability Services Division of the Department of Health and Human Services, a law enforcement agency or a court in connection with a criminal or civil matter relating to the potential protected person,* without hiring or being licensed as a private investigator pursuant to chapter 648 of NRS. In connection with the investigation, the public guardian may require ~~[any protected person]~~ *the potential protected person* or any spouse, parent, child or other kindred of the ~~[protected person]~~ *potential protected person,* to give any information and to execute and deliver any written requests or authorizations necessary to provide the public guardian with access to records, otherwise confidential, which are needed by the public guardian. The public guardian may obtain information from any public record office of the State or any of its agencies or subdivisions upon request and without payment of any fees.

3. As used in this section:

(a) "Potential protected person" means any person, other than a minor, for whom a referral for investigation has been sent to the public guardian.

(b) "Protected person" has the meaning ascribed to it in NRS 159.0253.

Senator Cannizzaro moved that the Senate concur in Assembly Amendment No. 818 to Senate Bill No. 121.

Remarks by Senator Cannizzaro.

Assembly Amendment No. 818 to Senate Bill No. 121 requires a public guardian to be appointed as a guardian for a protected person prior to an investigation.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 502.

The following Assembly amendment was read:

Amendment No. 996.

SUMMARY—Revises certain licensing fees for social workers. (BDR 54-1162)

AN ACT relating to social workers; revising certain licensing fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the maximum application and licensing fees the Board of Examiners for Social Workers may charge. (NRS 641B.300) This bill increases the maximum amounts that can be charged by the Board.

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

Section 1. NRS 641B.300 is hereby amended to read as follows:

641B.300 1. The Board shall charge and collect fees not to exceed the following amounts for:

Initial application ..... [$40] *$200*
Provisional license ..... [75] *150*
Initial issuance of a license [, including a license by endorsement] *as a social worker* ..... [100] *250*
Initial issuance of a license as a clinical social worker or an independent social worker *350*
Initial issuance of a license by endorsement *200*
Annual renewal of a license as a social worker or an associate in social work ..... *[250]* *175*
Annual renewal of a license *as a clinical social worker or an independent social worker* ..... [$150 *$350]* *225*
Restoration of a suspended license or reinstatement of a revoked license 150
Restoration of an expired license 200
Renewal of a delinquent license 100
[Reciprocal license without examination ..... 100]

2. [If an applicant submits an application for a license by endorsement pursuant to NRS 641B.271, the Board shall charge and collect not more than the fees specified in subsection 1 for the initial application for and initial issuance of a license.

3.] If an applicant submits an application for a license by endorsement pursuant to NRS 641B.272, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

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

Senator Spearman moved that the Senate concur in Assembly Amendment No. 996 to Senate Bill No. 502.

Remarks by Senator Spearman.

Amendment No. 996 made one change to Senate Bill No. 502. The amendment revises certain annual licensure renewal fee ceilings that may be charged and collected by the Board of Examiners for social workers.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 10, 12, 14, 37, 53, 71, 77, 125, 140, 175, 181, 186, 197, 207, 230, 236, 242, 243, 250, 258, 279, 302, 311, 312, 316, 345, 347, 355, 362, 365, 371, 387, 390, 397, 410, 417, 430, 441, 450, 452, 453, 457, 469, 470, 475, 477, 521, 522, 538.

Senator Cannizzaro moved that the Senate adjourn until Thursday, May 30, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:17 p.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate