THE ONE HUNDRED AND NINETEENTH DAY

CARSON CITY (Sunday), June 2, 2019

Senate called to order at 1:14 p.m.

President Marshall presiding.

Roll called.

All present.

Prayer by Senator Ira Hansen.

Our Father, who art in Heaven, we bow our heads at this time as the Senate and staff of the Nevada Legislature pausing briefly to thank You for gifts that You give us. We are especially grateful, today on the Sabbath, to have this opportunity to serve the people. We ask You to bless us, that we will have the wisdom and the fortitude to complete the people's business. In the next 34 hours, give us the wisdom, the energy and all of the necessary things to do the people's business to complete these works. We have a special blessing we request now for those who have family members who are struggling or in bad health; please bless them and comfort them.

We say these things in the Name of Thy Son, 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.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that the General File be considered as the Senate's next order of business and that Senate Bills Nos. 555, 553 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 555.

Bill read third time.

Remarks by Senators Woodhouse and Settelmeyer.

SENATOR WOODHOUSE:

Senate Bill No. 555 provides funding for K-12 public education for the 2019-2021 Biennium. The total public support for school districts and charter schools, for the support of public schools, is estimated to be $10,227 per pupil in Fiscal Year 2020 and $10,319 per pupil in Fiscal Year 2021. Section 5 appropriates $1.167 billion in the first year and $1.163 billion in the second year of the 2019-2021 Biennium from the State General Fund to the Distributive School Account (DSA). In addition, other revenues authorized to be received and expended for the State support of K-12 public education in Fiscal Year 2020 and Fiscal Year 2021 total $495.5 million and $508.3 million, respectively. These other revenues include an annual excise tax on slot machines, sales tax collected on out-of-state sales, interest earned on the Permanent School Fund, revenue from mineral leases on federal land, room tax revenue, recreational marijuana retail excise tax and transfers from the marijuana regulation program.

The Statewide average basic support per pupil increases over the upcoming biennium from $5,967 in Fiscal Year 2019 to $6,218 in Fiscal Year 2020 and $6,288 in Fiscal Year 2021. Enrollment is projected to increase to 486,465 pupils in Fiscal Year 2020 and to 490,561 pupils in Fiscal Year 2021. Section 9 includes General Fund appropriations of $211.5 million in Fiscal

Year 2020 and $218 million in Fiscal Year 2021 for students with disabilities. For continued support of the Class-Size Reduction (CSR) program, this bill appropriates $161.7 million in Fiscal Year 2020 and $165.5 million in Fiscal Year 2021 for salaries and benefits of at least 1,911 teachers hired to reduce pupil-teacher ratios in the first year and 1,915 teachers in the second year of the Biennium.

The bill continues the CSR program in the DSA and maintains the separate expenditure category to highlight the program. Funds will be allocated based upon the number of teachers needed in each school district to reach pupil-teacher ratios of 17-to-1 in first and second grades and 20-to-1 in third grade. Section 17 of the bill continues the flexibility for certain school districts to carry out alternative programs for reducing the ratio of pupils per teacher or to implement remedial programs that have been found to be effective in improving pupil achievement. This bill appropriates a total of $91.9 million in Fiscal Year 2020 and $90.6 million in Fiscal Year 2021 to the Other State Education Programs Budget.

Through this Budget, State General Fund support is provided for programs, including, but not limited to, Adult High School Diploma, Career and Technical Education, Read by Grade 3, Jobs for America's Graduates and other miscellaneous programs. Section 19 provides $13.5 million in each year of the 2019-2021 Biennium for the support of career and technical education programs. Section 22 of the bill includes $8.3 million in both Fiscal Year 2020 and Fiscal Year 2021 to assist schools in educating students identified as gifted and talented. The bill also appropriates $19.3 million in each Fiscal Year for the Adult High School Diploma program. The bill continues funding in the amount of $5 million in both Fiscal Year 2020 and Fiscal Year 2021 for college and career readiness programs. General Fund support of $31.5 million in Fiscal Year 2020 and $31.4 million in Fiscal Year 2021 is provided for the continuation of the Read by Grade 3 program in section 25. This bill appropriates a total of approximately $50 million in each year of the 2019-2021 Biennium to the Account for Programs for Innovation and the Prevention of Remediation with $38 million in each year for transfer to the Clark County School District; $6.9 million in each year for transfer to the Washoe County School District for continuation of the Zoom Schools program, and $5.1 million in each year to provide grants of money to the State Public Charter School Authority and to the other 15 school districts for the support of limited English proficient students. Section 27 appropriates $10 million in each year of the upcoming biennium for the continuation of the Nevada Ready 21 Technology Grant Program, which provides Statewide one-to-one computing in certain middle schools. The Victory Schools grant program is continued at $25 million in each Fiscal Year to provide additional services to underperforming elementary, middle and high schools. General Fund appropriations of $21.8 million in Fiscal Year 2020 and $23.8 million in Fiscal Year 2021 and authorizations of $3.2 million and $1.2 million in Fiscal Year 2020 and Fiscal Year 2021, respectively, to fund this program. This bill appropriates $2.5 million in each Fiscal Year to the Account for Programs for Innovation and the Prevention of Remediation to provide financial incentives to newly hired teachers, and a total of $5 million in Fiscal Year 2020 to provide financial incentives to newly hired teachers and teachers that transfer to underperforming schools.

The bill further appropriates a total of $7.7 million in each Fiscal Year to the Professional Development Programs Budget for the continued support of the three Regional Professional Development Programs to provide professional development to teachers and administrators in section 31. Section 35 appropriates $4.9 million in each Fiscal Year to the Great Teaching and Leading Fund for a competitive grant program to invest in high-quality professional development and improve leadership development and the teacher pipeline in the State. Expenditures of $94,591 of non-General Fund revenue in each Fiscal Year is also authorized from the Great Teaching and Leading Fund. The bill further appropriates $1.3 million in each year of the 2019-2021 Biennium for the Peer Assistance and Review Program. Additionally, the bill appropriates $100 in both Fiscal Year 2020 and Fiscal Year 2021 to the Contingency Account for Special Education and authorizes approximately $2 million in each Fiscal Year to reimburse school districts and charter schools for extraordinary expenses related to the education of students with disabilities.

Section 40 appropriates $1 million in each year of the 2019-2021 Biennium to fund the outstanding liability of the cost of the one-fifth retirement credit program in the Grant Fund for Incentives for Licensed Educational Personnel. Section 41 appropriates $45,000 in each

Fiscal Year to the Bullying Prevention Account to provide grants to school districts for the establishment of programs to create a school environment that is free from bullying and cyber bullying. Section 42 appropriates $2.4 million in each Fiscal Year and authorizes $4.9 million in Fiscal Year 2020 and $5.5 million in Fiscal Year 2021 to continue the Teach Nevada Scholarship Program. Section 43 appropriates $16.6 million in Fiscal Year 2020 and $21.4 million in Fiscal Year 2021 to a new School Safety Budget to provide a block grant program to support contract or employee social workers or other licensed mental-health workers in schools, school police officers and other items related to school safety. Section 44 appropriates $7.5 million to provide competitive grants to school districts in counties whose population is less than 100,000 and to charter schools for school safety facility improvements. Section 45 appropriates $69.9 million in each Fiscal Year and authorizes $22,044 in each year for the New Nevada Education Funding Plan, which provides eligible pupils with an additional $1,200 to improve the academic performance of those pupils.

The bill also appropriates a total of $4.5 million and authorizes $1,000 in each year of the 2019-2021 Biennium to the Teachers' School Supplies Reimbursement Account. Section 47 transfers estimated funding of $187.2 million and $190.6 million in Fiscal Year 2020 and Fiscal Year 2021, respectively, from the State Supplemental School Support Account to the Distributive School Account as a State funding source for the 2019-2021 Biennium. Section 48 appropriates $750,000 in each year of the 2019-2021 Biennium to the Instruction in Financial Literacy Account. Section 49 authorizes expenditures for the Department of Taxation's Marijuana Regulation and Control Account in the event Assembly Bill No. 533, that would establish the Cannabis Compliance Board agency, is not approved.

If Assembly Bill No. 533 of this Session is approved, subsection 2 of section 49 authorizes expenditures for the Cannabis Compliance Board and requires all unencumbered or unexpended funds on June 30, 2020, from the Marijuana Regulation and Control Account to be authorized to be used by the Cannabis Compliance Board effective July 1, 2020. I urge your support.

SENATOR SETTELMEYER:

I proudly rise in support for Senate Bill No. 555. We have one job here. When I was in the other House, my colleague, Assemblyman Conklin said, "We have one job and that is to pass the Budget." The citizens put forth the constitutional amendment under Article 11, Section 6, saying the Education Budget has to pass out first. I thank the Chair for all the time we took on the Education Budget. Some people ask, being a rural legislature, why do you talk about Clark County so much? It is because they make up 68 percent of the students. The fact that the DSA is going to go to $6,067 a student compared to their estimated number of $5,863 is a $204 delta. When you multiply that by the number of students we heard about, 325,005.31; I thought was fascinating to have that discussion; we will be adding at least $66 million to Clark County's education budget next year, and, if their enrollment changes, more or less the next year. We have done a tremendous job in covering what some people thought was a shortfall. The reality is if they are your kids, there is never enough money to properly fund education. That is part of the problem; there is only a certain amount of money. With that, I rise in support of Senate Bill No. 555.

Roll call on Senate Bill No. 555:

YEAS—21.

NAYS—None.

Senate Bill No. 555 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 553.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 553 represents authority for agencies to collect and expend monies including federal funds, gifts, grants, interagency transfers, service fees and other funds, which total

$17.743 billion over the 2019-2021 Biennium. Additionally, due to specific statutory language for these agencies, Senate Bill No. 553 includes authority for the Nevada Gaming Control Board and the Nevada Gaming Commission to expend $64.2 million from the General Fund over the 2019-2021 Biennium. Similarly, the bill includes authority for the Nevada Department of Transportation to expend $971 million from the Highway Fund over the 2019-2021 Biennium. The following summarizes some of the funding highlights included in the Authorized Expenditures Act.

In the Division of Enterprise Information Technology Services, the money committees approved revenues of $11.4 million over the 2019-2021 Biennium to continue the State's transition to the Office 365 cloud platform and for two new positions to support the initiative.

In Department of Taxation, the money committees approved the funding of a new, standalone Cannabis Compliance Board (CCB) to administer the State's existing marijuana regulation activities and associated 44 current positions presently overseen by the Department of Taxation, as well as 12 new positions, 5 part-time CCB members and 8 Cannabis Advisory Commission members for the new CCB agency. The establishment of a new CCB agency is contingent upon passage and approval of Assembly Bill No. 533 or other enabling legislation.

In the Nevada System of Higher Education, in closing the budgets of the Nevada System of Higher Education, the money committees approved revenue from all sources totaling $2.1 billion for the 2019-2021 Biennium. Of the total revenues, non-General Fund revenues total $736.7 million, or 34.8 percent of total funding, and includes student registration fees, nonresident tuition, student application fees, federal and county revenues, operating capital investment income and an interagency transfer of funds from the Governor's Office of Workforce Innovation.

In closing the budgets within the Division of Health Care Financing and Policy, the money committees approved non-General Fund revenues totaling $7.683 billion over the 2019-2021 Biennium. The funding supports the Medicaid average monthly caseload projected to be approximately 642,000 in Fiscal Year 2020 and 640,000 in Fiscal Year 2021 and the Check Up average monthly caseload projected to be approximately 31,000 in Fiscal Year 2020 and 31,400 in Fiscal Year 2021.

In the Division of Public and Behavioral Health, the money committees approved tobacco settlement funds totaling $1.4 million over the 2019-2021 Biennium to continue funding youth Mobile Crisis Response Team behavioral-health services in the rural areas of the State, as well as the expansion of the same services to adults in rural counties.

In the Department of Motor Vehicles, the money committees approved the Governor's recommendation to continue the Department's System Technology Application Redesign project, funded with projected Technology Fee revenue of $13.9 million over the 2019-2021 Biennium, and remaining Technology Fee funds of approximately $4.9 million to be balanced forward into the 2019-2021 Biennium to fund the project.

In the Central Repository for Nevada Records of Criminal History, the money committees approved approximately $7 million of reserve funding over the 2019-2021 Biennium to begin the new direction of the Nevada Criminal Justice Information System (NCJIS) modernization project, which is anticipated to be completed in Fiscal Year 2025. The money committees also approved a $3.50 increase to fingerprint-based criminal history background check fees, resulting in an estimated $1.9 million in additional revenue to support the NCJIS modernization project.

In the Nevada Department of Transportation, the money committees approved the Governor's recommendation for the sale of highway revenue bonds and associated interest earnings of $161.6 million in each year of the 2019-2021 Biennium to begin construction of Phase One of the Reno/Sparks Spaghetti Bowl Xpress Project to improve traffic flow in the Spaghetti Bowl area and to complete construction of Phase 3D of the Centennial Bowl Project in northwest Las Vegas.

In closing the budgets for the Public Employees' Benefits Program, the money committees authorized a total of $537.5 million in Fiscal Year 2020 and $545.6 million in Fiscal Year 2021. The State's contribution for active employee group insurance will be $760.79 per month for Fiscal Year 2020 and $783.30 per month for Fiscal Year 2021. The State's base-monthly subsidy for non-Medicare retiree-health insurance will be $551.77 in Fiscal Year 2020 and $478.15 in Fiscal Year 2021. For Medicare retirees, the base subsidy will be $13 per month per year of service credit. I appreciate your support.

Roll call on Senate Bill No. 553:
YEAS—21.
NAYS—None.

Senate Bill No. 553 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Senate Bill No. 211.
Bill read third time.
Remarks by Senator Harris.

Senate Bill No. 211 is an appropriation to the Nevada Commission on Minority Affairs for operating expenses of the Commission including, without limitation, expenses for outreach members and travel for members of the Commission and the Minority Affairs Management Analyst. The appropriation is in the following amounts: for Fiscal Year 2019-2020, $15,126 and for the Fiscal Year 2020-2021, $9,109.

Roll call on Senate Bill No. 211:
YEAS—21.
NAYS—None.

Senate Bill No. 211 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 287.
Bill read third time.
Remarks by Senators Parks and Kieckhefer.

SENATOR PARKS:

Senate Bill No. 287 revises Nevada Revised Statute (NRS) chapter 239, relating to Public Records. It clarifies the circumstances under which a governmental entity is required to provide a requestor with a copy of a public record in an electronic format by means of an electronic medium. It creates a civil monetary penalty, which a governmental entity, identified as having legal custody or control of a public record, may be given a fine by a court in tiered amounts of $1,000 for a first violation, $5,000 for the second violation and $10,000 for third and subsequent violations. It directs that any civil penalties imposed must be accounted for separately by the Division of State Library and Archives and Public Records of the Department of Administration and be used to improved access to public records.

It revises the definition of "actual costs" used by an agency in providing a copy of a public record to include the cost of ink, toner, paper, media and postage, and it excludes the overhead costs of the governmental entity and any labor costs incurred in providing the record. It also requires the applicability of these changes to only those requests filed on or after October1, 2019. It repeals NRS 239.55, thus eliminating a governmental entity's authority to charge an additional fee when an extraordinary use of personnel or resources is required to fulfill a request for a copy of a public record. I encourage your support.

SENATOR KIECKHEFER:

I am happy to rise in support of Senate Bill No. 287. I had the pleasure to work with my colleagues from District 7 and 9 on this bill to come to this Body with a piece of legislation that strikes and appropriate balance between the preeminent interest of the public and being able to access information regarding their government. It also allows government to protect the interests and privacy of individual citizens in fulfilling their responsibilities as a governmental entity. I have been on both sides of this issue. I was a reporter who was required to retain counsel to get public records out of the hands of government that were inappropriately withheld, and I served as the

public information officer for a State agency. The legislation before us strikes an appropriate balance that will protect the interests of the public while still allowing government agencies to do their jobs. I encourage my colleagues to support Senate Bill No. 287.

Roll call on Senate Bill No. 287:
YEAS—21.
NAYS—None.

Senate Bill No. 287 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 547.

Bill read third time.

The following amendment was proposed by Senator Brooks:

Amendment No. 1089.

SUMMARY—Revises provisions relating to providers of new electric resources. (BDR 58-913)

AN ACT relating to energy; excluding from regulation as a public utility certain plants or equipment used by a data center; revising provisions governing the applicability of certain assessments imposed by the Public Utilities Commission of Nevada; revising the information required to be included in the integrated resource plan filed by an electric utility with the Commission; revising the criteria to be eligible to apply to the Commission to purchase energy, capacity or ancillary services from a provider of new electric resources; revising the requirements a provider of new electric resources must satisfy to be eligible to sell energy, capacity or ancillary services to eligible customers; revising the requirements an eligible customer must satisfy to be authorized to purchase energy, capacity or ancillary services from a provider of new electric resources; revising the terms and conditions for the purchase of energy, capacity or ancillary services by eligible customers who have been approved to make such purchases from a provider of new electric resources; repealing provisions governing certain agreements relating to generation assets of an electric utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill excludes from regulation as a public utility certain plants or equipment used by a data center but only with respect to operations of the data center which consist of providing electric service.

Existing law authorizes certain customers of an electric utility to apply to the Public Utilities Commission of Nevada for approval to purchase energy, capacity and ancillary services from a provider of new electric resources. If the Commission approves such an application, the Commission is required to order such terms, conditions and payments as the Commission deems necessary and appropriate to ensure that the transaction will not be contrary to the public interest and the eligible customer is authorized to begin purchasing energy, capacity and ancillary services from the provider of new electric resources in accordance with the order of the Commission. (NRS 704B.310)

Existing law requires the Commission to levy and collect an annual mill tax on public utilities that are subject to the jurisdiction of the Commission. (NRS 704.033) Under existing law, if the Commission authorizes a customer of an electric utility to purchase energy, capacity and ancillary services from a provider of new electric resources, the Commission is required to order the customer to pay its share of the annual mill tax levied by the Commission and to pay any other tax, fee or assessment that would be due to a governmental entity had the customer continued to purchase energy, capacity or ancillary services from the electric utility. (NRS 704B.360) Sections 3 and 21 of this bill revise this requirement by removing the requirement for an order of the Commission and, instead, imposing the requirement to pay the annual mill tax and any other taxes, fees or assessments on the customer or the provider of new electric resources, as applicable.

Existing law requires each electric utility to submit to the Commission every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. (NRS 704.741) Section 5 of this bill requires the integrated resource plan to include a proposal for annual limits on the energy and capacity that certain eligible customers are authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted on or after May 16, 2019. Section 5 further requires the proposal to include certain information, including, without limitation, impact fees applicable to each megawatt or megawatt hour to account for certain costs. Section 6 of this bill requires the Commission, in considering whether to approve or modify the annual limits, to consider whether the proposed limits promote safe, economic, efficient and reliable electric service, align an economically viable utility model with state public policy goals and encourage the development and use of renewable energy resources.

Section 16 of this bill prohibits a provider of new electric resources from selling energy, capacity or ancillary services to any person or governmental entity in this State unless the provider holds a license to do so issued by the Commission. Section 9 of this bill establishes the requirements a provider of new electric resources is required to satisfy to qualify for a license and authorizes the Commission to adopt regulations requiring a provider of new electric resources to provide certain information. Section 26 of this bill authorizes a provider of new electric resources who sold energy, capacity or ancillary services to a customer before the effective date of this bill to continue to sell energy, capacity or ancillary services to that customer without obtaining a license if the provider submits an application for a license to the Commission not later than 30 days after a date established by the Commission by regulation and the Commission issues the license. Sections 8 and 11 of this bill make conforming changes.

Section 10 of this bill: (1) requires the Commission to adopt regulations to establish a procedure by which a customer who has been approved to purchase energy, capacity or ancillary services from a provider of new electric resources

may apply to the Commission to return to purchasing bundled electric service from an electric utility; (2) authorizes the Commission to establish such terms and conditions on such a return as the Commission deems necessary and appropriate to prevent harm to customers of the electric utility; (3) authorizes the Commission to limit the number of times a customer is authorized to be approved to purchase energy, capacity or ancillary services from a provider of new electric resources; and (4) authorizes the Commission to establish limitations on the use of certain tariffs approved by the Commission.

Section 12 of this bill provides that a nongovernmental commercial or industrial end-use customer or a governmental entity that was not a customer of an electric utility at any time before the effective date of this bill is eligible to apply to the Commission for approval to purchase energy, capacity or ancillary services from a provider of new electric resources if certain requirements are met, including a requirement that the average annual load of such a customer will be 1 megawatt or more. Section 25 of this bill provides that this provision does not apply to a person who, before the effective date of this bill, was approved to purchase energy, capacity and ancillary services from a provider of new electric resources.

Under existing law, a provider of new electric resources is qualified to sell energy, capacity or ancillary services to an eligible customer if, among other criteria, the provider makes the energy, capacity or ancillary services available from certain generation assets. (NRS 704B.110, 704B.130) Section 13 of this bill authorizes a provider of new electric resources to make energy, capacity and ancillary services available by market purchases made through the provider.

Existing law provides that the provisions of existing law governing the purchase of energy, capacity or ancillary services from a provider of new electric resources do not affect any rights or obligations arising under certain contracts which were in existence on July 17, 2001. (NRS 704B.170) Section 14 of this bill removes the date from this provision and, thus, provides that the existing law governing the purchase of energy, capacity or ancillary services from a provider of new electric resources does not affect any contract.

Existing law requires the Public Utilities Commission of Nevada to submit to the Legislative Commission, not later than 2 business days after receiving a request from the Legislative Commission, a written report summarizing certain information related to transactions between providers of new electric resources and customers approved by the Commission to purchase energy, capacity or ancillary services from such providers. (NRS 704B.210) Section 15 of this bill requires this report to include only the public information that the customer included in the application filed with the Commission rather than all information that the customer included in the application.

Section 17 of this bill revises the procedure to apply for and obtain the approval of the Commission to purchase energy, capacity and ancillary services from a provider of new electric resources by: (1) authorizing an eligible customer to file an application with the Commission only between

January 2 and February 1 of each calendar year; (2) requiring the application to be filed with the Commission not later than 280 days, rather than not later than 180 days, before the date on which the customer intends to begin purchasing energy, capacity or ancillary services from a provider of new electric resources; (3) requiring the information included with the application to be specific information about the customer, the proposed provider and the terms and conditions of the proposed transaction; (4) requiring the specific information included with the application to include information identifying transmission requirements and the extent to which transmission import capacity is needed; (5) prohibiting the Commission from approving the application unless the Commission determines the application is in the public interest rather than requiring approval of the application unless the Commission finds the application contrary to the public interest; (6) revising the factors the Commission is required to consider in determining whether the proposed transaction is in the public interest; (7) revising the terms and conditions which the Commission is required to order if it approves the application; and (8) prohibiting the approval of an application if the approval of the application would cause the energy and capacity that certain eligible customers are authorized to purchase from providers of new electric resources to exceed the annual limit included in the resource plan of the electric utility that has been accepted by the Commission.

Existing law authorizes a customer that is purchasing energy, capacity or ancillary services from a provider of new electric resources to purchase energy, capacity or ancillary services from an alternative provider without obtaining the approval of the Commission if the terms and conditions of that transaction, other than the price of the energy, capacity or ancillary services, conform to the transaction originally approved by the Commission. (NRS 704B.325) Section 18 of this bill prohibits the purchase of energy, capacity or ancillary services from an alternative provider unless the alternative provider is licensed as a provider of new electric resources by the Commission pursuant to section 9.

Existing law prohibits a provider of new electric resources from selling energy, capacity or ancillary services to a customer unless the customer has a time-of-use meter installed at the point of delivery of energy to the customer. Under existing law, an electric utility is required to install a time-of-use meter at each point of delivery of energy to the customer if the customer does not have a time-of-use meter at that point of delivery. (NRS 704B.340) Section 20 of this bill requires the Commission to determine the date by which the electric utility is required to ensure that metering equipment is operational for each customer who has been approved by the Commission to purchase energy, capacity or ancillary services from a provider of new electric resources.

Existing law requires each utility to: (1) conduct a vulnerability assessment in accordance with the requirements of certain federal and regional agencies; (2) prepare and maintain an emergency response plan in accordance with the requirements of certain federal and regional agencies; and (3) at least once

each year, review its vulnerability assessment and emergency response plan and submit to the Division of Emergency Management of the Department of Public Safety the results of that review and any additions or modifications to its emergency response plan. (NRS 239C.270) Section 23 of this bill imposes these requirements on providers of new electric resources.

Section 24 of this bill provides that any application to purchase energy, capacity or ancillary services from a provider of new electric resources that was submitted to the Commission before the passage and approval of this bill is deemed to be denied unless the application was filed before May 16, 2019. Section 24 further provides that the provisions of existing law governing the consideration and disposition of an application apply to an application filed before May 16, 2019.

Sections 25 and 26 of this bill enact provisions governing eligible customers who were approved by the Commission to purchase energy, capacity or ancillary services before the effective date of this bill.

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

Section 1. NRS 703.330 is hereby amended to read as follows:

703.330 1. A complete record must be kept of all hearings before the Commission. All testimony at such hearings must be taken down by the stenographer appointed by the Commission or, under the direction of any competent person appointed by the Commission, must be reported by sound recording equipment in the manner authorized for reporting testimony in district courts. The testimony reported by a stenographer must be transcribed, and the transcript filed with the record in the matter. The Commission may by regulation provide for the transcription or safekeeping of sound recordings. The costs of recording and transcribing testimony at any hearing, except those hearings ordered pursuant to NRS 703.310, must be paid by the applicant. If a complaint is made pursuant to NRS 703.310 by a customer or by a political subdivision of the State or municipal organization, the complainant is not liable for any costs. Otherwise, if there are several applicants or parties to any hearing, the Commission may apportion the costs among them in its discretion.

2. A copy of the proceedings and testimony must be furnished to any party, on payment of a reasonable amount to be fixed by the Commission, and the amount must be the same for all parties.

3. The provisions of this section do not prohibit the Commission from:

(a) Restricting access to the records and transcripts of a hearing pursuant to paragraph (a) of subsection 3 of NRS 703.196.

(b) Protecting the confidentiality of information pursuant to NRS 704B.310 ~~[, 704B.320]~~ or 704B.325.

Sec. 2. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.

10. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

11. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

12. Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.

Sec. 3. NRS 704.033 is hereby amended to read as follows:

704.033 1. Except as otherwise provided in subsection 6, the Commission shall levy and collect an annual assessment from all public utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers subject to the jurisdiction of the Commission.

2. Except as otherwise provided in subsections 3 and 4, the annual assessment must be:

(a) For the use of the Commission, not more than 3.50 mills; and

(b) For the use of the Consumer's Advocate, not more than 0.75 mills,

➥ on each dollar of gross operating revenue derived from the intrastate operations of such utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers in the State of Nevada. The total annual assessment must be not more than 4.25 mills.

3. The levy for the use of the Consumer's Advocate must not be assessed against railroads.

4. The minimum assessment in any 1 year must be $100.

5. The gross operating revenue of the utilities must be determined for the preceding calendar year. In the case of:

(a) Telecommunication providers, except as provided in paragraph (c), the revenue shall be deemed to be all intrastate revenues.

(b) Railroads, the revenue shall be deemed to be the revenue received only from freight and passenger intrastate movements.

(c) All public utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers, the revenue does not include the proceeds of any commodity, energy or service furnished to another public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller for resale.

6. Providers of commercial mobile radio service are not subject to the annual assessment and, in lieu thereof, shall pay to the Commission an annual licensing fee of $200.

7. "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 4. NRS 704.035 is hereby amended to read as follows:

704.035 1. On or before June 15 of each year, the Commission shall mail revenue report forms to all public utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers under its

jurisdiction, to the address of those utilities, *providers of new electric resources,* providers of discretionary natural gas service and alternative sellers on file with the Commission. The revenue report form serves as notice of the Commission's intent to assess such entities, but failure to notify any such entity does not invalidate the assessment with respect thereto.

2. Each public utility, *provider of new electric resources,* provider of discretionary natural gas service and alternative seller subject to the provisions of NRS 704.033 shall complete the revenue report referred to in subsection 1, compute the assessment and return the completed revenue report to the Commission accompanied by payment of the assessment and any fee due, pursuant to the provisions of subsection 5.

3. The assessment is due on July 1 of each year, but may, at the option of the public utility, *provider of new electric resources,* provider of discretionary natural gas service and alternative seller, be paid quarterly on July 1, October 1, January 1 and April 1.

4. The assessment computed by the public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller is subject to review and audit by the Commission, and the amount of the assessment may be adjusted by the Commission as a result of the audit and review.

5. Any public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller failing to pay the assessment provided for in NRS 704.033 on or before August 1, or if paying quarterly, on or before August 1, October 1, January 1 or April 1, shall pay, in addition to such assessment, a fee of 1 percent of the total unpaid balance for each month or portion thereof that the assessment is delinquent, or $10, whichever is greater, but no fee may exceed $1,000 for each delinquent payment.

6. When a public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller sells, transfers or conveys substantially all of its assets or, if applicable, its certificate of public convenience and necessity ~~[,]~~ *or license,* the Commission shall determine, levy and collect the accrued assessment for the current year not later than 30 days after the sale, transfer or conveyance, unless the transferee has assumed liability for the assessment. For purposes of this subsection, the jurisdiction of the Commission over the selling, transferring or conveying public utility, *provider of new electric resources,* provider of discretionary natural gas service or alternative seller continues until it has paid the assessment.

7. The Commission may bring an appropriate action in its own name for the collection of any assessment and fee which is not paid as provided in this section.

8. The Commission shall, upon collection, transfer to the Account for the Consumer's Advocate that portion of the assessments collected which belongs to the Consumer's Advocate.

9. "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 5. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:

(1) Forecast the future demands ~~[:]~~ *, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection 6 as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019;* and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility or utilities to include in the plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.

(b) A proposal for the expenditure of not less than 5 percent of the total expenditures related to energy efficiency and conservation programs on energy efficiency and conservation programs directed to low-income customers of the electric utility.

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity that includes the deployment of distributed generation.

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.777, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. The Commission shall require the utility or utilities to include in the plan a plan for construction or expansion of transmission facilities to serve renewable energy zones and to facilitate the utility or utilities in meeting the portfolio standard established by NRS 704.7821.

5. The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

6. *The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:*

(a) A forecast of the load growth of the utility or utilities;

(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;

(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;

(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and

(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

7. The annual limits proposed pursuant to subsection 6 shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

(a) Was not an end-use customer of the electric utility at any time before the effective date of this act; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

8. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

(c) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

(d) *"Eligible customer" has the meaning ascribed to it in NRS 704B.080.*

(e) "Energy" has the meaning ascribed to it in NRS 704B.090.

(f) "New electric resource" has the meaning ascribed to it in NRS 704B.110.

(g) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

(h) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

(i) "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.

Sec. 6. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable;

(d) Provide the greatest opportunity for the creation of new jobs in this State; and

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

➥ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or

modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection 6 of NRS 704.741, the Commission shall consider whether the proposed annual limits:

(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State;

(b) Align an economically viable utility model with state public policy goals; and

(c) Encourage the development and use of renewable energy resources located in this State and, in particular, renewable energy resources that are coupled with energy storage.

Sec. 7. Chapter 704B of NRS is hereby amended by adding thereto the provisions set forth as sections 8, 9 and 10 of this act.

Sec. 8. *"License" means a license to sell energy, capacity and ancillary services to an eligible customer issued by the Commission pursuant to section 9 of this act.*

Sec. 9. *1. To qualify for a license, a provider of new electric resources must do all of the following:*

(a) Submit an application for the license to the Commission that includes all information deemed necessary by the Commission to determine whether the provider of new electric resources is qualified to obtain a license pursuant to this section.

(b) Demonstrate to the satisfaction of the Commission that the provider of new electric resources is authorized to conduct business pursuant to the laws of this State and the ordinances of the county, city or town in which the provider sells or will sell to sell energy, capacity and ancillary services to eligible customers.

(c) Demonstrate to the satisfaction of the Commission that the provider of new electric resources has the technical competence necessary to sell energy, capacity and ancillary services to eligible customers.

(d) Demonstrate to the satisfaction of the Commission that the provider of new electric resources has the managerial competence necessary to sell energy, capacity and ancillary services to eligible customers.

(e) Demonstrate to the satisfaction of the Commission that the provider of new electric resources has the financial capability to sell energy, capacity and ancillary services to eligible customers.

(f) Demonstrate to the satisfaction of the Commission financial responsibility.

(g) Demonstrate to the satisfaction of the Commission fitness to sell energy, capacity and ancillary services to eligible customers. In determining whether a provider of new electric resources is fit to sell energy, capacity and ancillary services to eligible customers, the Commission may consider:

(1) Whether legal action has been taken against the provider or any of its affiliates in another jurisdiction;

(2) Whether customer complaints have been made concerning the provider or any of its affiliates in another jurisdiction; and

(3) The nature of any legal action or customer complaint against the provider or any of its affiliates in another jurisdiction.

(h) Demonstrate to the satisfaction of the Commission that the provider of new electric resources is in compliance with or will comply with NRS 704.78213.

2. The Commission may issue a license to a provider of new electric resources that is qualified for a license pursuant to subsection 1. The Commission, after notice and a hearing in the manner set forth in chapter 703 of NRS, may deny the application of a provider of new electric resources for a license or limit, suspend or revoke a license issued to a provider of new electric resources if such action is necessary to protect the public interest or to enforce a provision of the laws of this State or a regulation adopted by the Commission that is applicable to the provider of new electric resources.

3. The Commission may adopt regulations requiring each provider of new electric resources to submit to the Commission such information as the Commission determines is necessary to ensure that:

(a) Each provider of new electric resources has sufficient energy, capacity and ancillary services, or the ability to obtain energy, capacity and ancillary services, to satisfy the demand of each eligible customer purchasing energy, capacity or ancillary services from the provider;

(b) Eligible customers served by a provider of new electric resources will receive safe and reliable service from the provider; and

(c) Each provider of new electric resources complies with this chapter and any other laws of this State applicable to each provider.

Sec. 10. *1. The Commission shall by regulation establish a procedure for an eligible customer who is purchasing energy, capacity or ancillary services from a provider of new electric resources to apply to the Commission to purchase bundled electric service from an electric utility. The Commission*

may, as it deems necessary and appropriate to prevent harm to the customers of an electric utility:

(a) Establish a limit on the number of times an eligible customer may be approved to purchase energy, capacity or ancillary services from a provider of new electric resources; and

(b) Establish limitations on the use of the tariffs approved by the Commission pursuant to NRS 704B.330.

2. If the Commission approves an application submitted pursuant to the regulations required to be adopted by subsection 1, the Commission shall order such terms and conditions as the Commission deems necessary and appropriate to ensure that the purchase of bundled electric service from an electric utility does not harm the existing customers of the electric utility.

Sec. 11. NRS 704B.010 is hereby amended to read as follows:

704B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 704B.020 to 704B.140, inclusive, *and section 8 of this act* have the meanings ascribed to them in those sections.

Sec. 12. NRS 704B.080 is hereby amended to read as follows:

704B.080 "Eligible customer" means an end-use customer which is:

1. A nongovernmental commercial or industrial end-use customer that ~~[has]~~ *:*

(a) Was an end-use customer of an electric utility at any time before the effective date of this act; and

(b) Has an average annual load of 1 megawatt or more in the service territory of an electric utility.

2. A governmental entity, including, without limitation, a governmental entity providing educational or health care services, that:

(a) *Was an end-use customer of an electric utility at any time before the effective date of this act;*

(b) Performs its functions using one or more facilities which are operated under a common budget and common control; and

~~[(b)]~~ *(c)* Has an average annual load of 1 megawatt or more in the service territory of an electric utility.

3. A governmental entity, including, without limitation, a governmental entity providing educational or health care services, that:

(a) Was not an end-use customer of an electric utility at any time before the effective date of this act;

(b) Performs its functions using one or more facilities which are operated under a common budget and common control; and

(c) Would have an average annual load of 1 megawatt or more in the service territory of an electric utility.

4. A nongovernmental commercial or industrial end-use customer that:

(a) Was not an end-use customer of an electric utility at any time before the effective date of this act; and

(b) Would have an average annual load of 1 megawatt or more in the service territory of an electric utility.

Sec. 13. NRS 704B.110 is hereby amended to read as follows:

704B.110 "New electric resource" means ~~[:~~

~~1. The]~~ *the* energy, capacity or ancillary services and any increased or additional energy, capacity or ancillary services which are ~~[:]~~ *able to be delivered to an eligible customer and are made available:*

~~[(a) Made available from a]~~

1. From an identifiable generation asset that is not owned by an electric utility or is not subject to contractual commitments to an electric utility that make the energy, capacity or ancillary services from the generation asset unavailable for purchase by an eligible customer; ~~[and~~

~~(b) Able to be delivered to an eligible customer.]~~ *or*

2. ~~[Any increased energy, capacity or ancillary services made available from a generation asset pursuant to an agreement described in NRS 704B.260.]~~ *By way of market purchases through a provider of new electric resources.*

Sec. 14. NRS 704B.170 is hereby amended to read as follows:

704B.170 1. The provisions of this chapter do not alter, diminish or otherwise affect any rights or obligations arising under any contract which requires an electric utility to purchase energy, capacity or ancillary services from another party . ~~[and which exists on July 17, 2001.]~~

2. Each electric utility or its assignee shall comply with the terms of any contract which requires the electric utility or its assignee to purchase energy, capacity or ancillary services from another party . ~~[and which exists on July 17, 2001.]~~

Sec. 15. NRS 704B.210 is hereby amended to read as follows:

704B.210 The Commission shall, not later than 2 business days after receiving a request in writing from the Legislative Commission, submit to the Legislative Commission a written report which summarizes for the period requested by the Legislative Commission:

1. Each application which was filed with the Commission pursuant to the provisions of this chapter and which requested approval of a proposed transaction between an eligible customer and a provider of new electric resources;

2. The *public* information that the eligible customer included with the application;

3. The findings of the Commission concerning the effect of the proposed transaction on the public interest; and

4. Whether the Commission approved the application and, if so, the effective date of the proposed transaction, the terms and conditions of the proposed transaction, and the terms, conditions and payments ordered by the Commission.

Sec. 16. NRS 704B.300 is hereby amended to read as follows:

704B.300 1. Except as otherwise provided in this section, a provider of new electric resources may sell energy, capacity or ancillary services to one or more eligible customers if ~~[:]~~ *the provider holds a valid license and:*

(a) The eligible customers have been approved to purchase energy, capacity and ancillary services from the provider pursuant to the provisions of NRS 704B.310 *;* ~~[and 704B.320;]~~ or

(b) The transaction complies with the provisions of NRS 704B.325.

2. A provider of new electric resources shall not sell energy, capacity or ancillary services to an eligible customer if the transaction violates the provisions of this chapter.

3. A provider of new electric resources that sells energy, capacity or ancillary services to an eligible customer pursuant to the provisions of this chapter:

(a) Does not become and shall not be deemed to be a public utility solely because of that transaction; and

(b) ~~[Does not become and shall not be deemed to be]~~ *Becomes* subject to the jurisdiction of the Commission ~~[except as otherwise provided in this chapter or by specific statute.]~~ *only for the purposes of this chapter and NRS 704.033, 704.035 and 704.7801 to 704.7828, inclusive.*

4. If a provider of new electric resources is not a public utility in this state and is not otherwise authorized by the provisions of a specific statute to sell energy, capacity or ancillary services at retail in this state, the provider shall not sell energy, capacity or ancillary services at retail in this state to a person or entity that is not an eligible customer.

Sec. 17. NRS 704B.310 is hereby amended to read as follows:

704B.310 1. An eligible customer ~~[that is purchasing bundled electric service for all or any part of its load from an electric utility]~~ shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless:

(a) The eligible customer files an application with the Commission *between January 2 and February 1 of any year and* not later than ~~[180]~~ *280* days before the date on which the eligible customer intends to begin purchasing energy, capacity or ancillary services from the provider *;* ~~[, except that the Commission may allow the eligible customer to file the application within any shorter period that the Commission deems appropriate; and]~~

(b) The Commission approves the application by a written order issued in accordance with the provisions of this section ~~[and NRS 704B.320.]~~ *; and*

(c) The provider holds a valid license.

2. Except as otherwise provided in subsection 3, each application filed pursuant to this section must include:

(a) ~~[Information]~~ *Specific information* demonstrating that the person filing the application is an eligible customer;

(b) Information demonstrating that the proposed provider will provide energy, capacity or ancillary services from a new electric resource;

(c) ~~[Information]~~ *Specific information* concerning the terms and conditions of the proposed transaction that is necessary for the Commission to evaluate the impact of the proposed transaction on customers and the public interest, including, without limitation, information concerning the duration of the

proposed transaction , *the point of receipt of the energy, capacity or ancillary services* and the amount of energy, capacity or ancillary services to be purchased from the provider; ~~[and]~~

(d) *Specific information identifying transmission requirements associated with the proposed transaction and the extent to which the proposed transaction requires transmission import capacity; and*

(e) Any other information required pursuant to the regulations adopted by the Commission.

3. ~~[Except as otherwise provided in NRS 704B.320, the]~~ *The* Commission shall not require the eligible customer or provider to disclose:

(a) The price that is being paid by the eligible customer to purchase energy, capacity or ancillary services from the provider; or

(b) Any other terms or conditions of the proposed transaction that the Commission determines are commercially sensitive.

4. The Commission shall provide public notice of the application of the eligible customer and an opportunity for a hearing on the application in a manner that is consistent with the provisions of NRS 703.320 and the regulations adopted by the Commission.

5. The Commission shall *not* approve the application of the eligible customer unless the Commission finds that the proposed transaction:

(a) Will be ~~[contrary to]~~ *in* the public interest; ~~[or~~

~~(b) Does not comply with the provisions of NRS 704B.320, if those provisions apply to the proposed transaction.]~~ *and*

(b) Will not cause the total amount of energy and capacity that eligible customers purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to this section on or after May 16, 2019, to exceed an annual limit set forth in a plan filed with the Commission pursuant to NRS 704.741 and accepted by the Commission pursuant to NRS 704.751.

6. In determining whether the proposed transaction will be ~~[contrary to]~~ *in* the public interest, the Commission shall consider, without limitation:

(a) Whether the electric utility that has been providing electric service to the eligible customer will ~~[be burdened by]~~ *experience* increased costs as a result of the proposed transaction ~~[or whether]~~ *;*

(b) Whether any remaining customer of the electric utility will pay increased costs for electric service *or forgo the benefit of a reduction of costs for electric service* as a result of the proposed transaction; *and*

~~[(b)]~~ *(c)* Whether the proposed transaction will impair system reliability or the ability of the electric utility to provide electric service to its remaining customers . ~~[; and~~

~~(c) Whether the proposed transaction will add energy, capacity or ancillary services to the supply in this State.]~~

7. If the Commission approves the application of the eligible customer:

(a) The eligible customer shall not begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction

sooner than ~~[180]~~ *280* days after the date on which the application was filed, unless the Commission allows the eligible customer to begin purchasing energy, capacity or ancillary services from the provider at an earlier date; and

(b) The Commission shall order such terms, conditions and payments as the Commission deems necessary and appropriate to ensure that the proposed transaction will ~~[not]~~ be ~~[contrary to]~~ *in* the public interest. ~~[Such]~~ *Except as otherwise provided in subsection 8, such* terms, conditions and payments:

(1) Must be fair and nondiscriminatory as between the eligible customer and the remaining customers of the electric utility ~~[; and]~~ *, except that the terms, conditions and payments must assign all identifiable but unquantifiable risk to the eligible customer;*

(2) Must include, without limitation:

(I) Payment by the eligible customer to the electric utility of the eligible customer's load-share portion of any unrecovered balance in the deferred accounts of the electric utility; and

(II) Payment by the eligible customer *, or the provider of new electric resources, as applicable,* of the annual assessment and any other tax, fee or assessment required by NRS 704B.360 ~~[.]~~ *;*

(3) Must establish payments calculated in a manner that provides the eligible customer with only its load-ratio share of the benefits associated with forecasted load growth if load growth is utilized to mitigate the impact of the eligible customer's proposed transaction; and

(4) Must ensure that the eligible customer pays its load-ratio share of the costs associated with the electric utility's obligations that were incurred as deviations from least-cost resource planning pursuant to the laws of this State including, without limitation, costs incurred to satisfy the requirements of NRS 704.7821 and implement the provisions of NRS 701B.240, 701B.336, 701B.580, 701B.670, 701B.820, 702.160, 704.773, 704.7827, 704.7836, 704.785, and Senate Bill No. 329 and Assembly Bill No. 465 of the 2019 Legislative Session.

8. ~~*[Eligible customers identified in subsection 3 or 4 of NRS 704B.080 are]*~~ *An eligible customer who:*

(a) Was not an end-use customer of the electric utility at any time before the effective date of this act; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service,

➥ is required to pay only those costs, fees, charges or rates which apply to current and ongoing legislatively mandated public policy programs, as determined by the Commission.

9. If the Commission does not enter a final order on the application of the eligible customer within ~~[150]~~ *210* days after the date on which the application was filed with the Commission ~~[:~~

~~(a) The]~~ *, the* application shall be deemed to be ~~[approved]~~ *denied* by the Commission . ~~[; and~~

~~(b) The eligible customer may begin purchasing energy, capacity or ancillary services from the provider pursuant to the proposed transaction.]~~

Sec. 18. NRS 704B.325 is hereby amended to read as follows:

704B.325 1. An eligible customer that is purchasing energy, capacity or ancillary services from a provider of new electric resources may purchase energy, capacity or ancillary services from an alternative provider without obtaining the approval of the Commission if ~~[the]~~ *:*

(a) The terms and conditions of the transaction with the alternative provider, other than the price of the energy, capacity or ancillary services, conform to the terms and conditions of the transaction that was originally approved by the Commission with respect to the eligible customer ~~[.]~~ *, including, without limitation, any terms and conditions, other than the price of the energy, capacity or ancillary services, that were approved by the Commission to address the factors considered by the Commission pursuant to subsection 6 of NRS 704B.310; and*

(b) The alternative provider holds a license.

2. If any terms and conditions of the transaction with the alternative provider, other than the price of the energy, capacity or ancillary services, do not conform to the terms and conditions of the transaction that was originally approved by the Commission with respect to the eligible customer, the eligible customer must obtain approval from the Commission before those nonconforming terms and conditions are enforceable.

3. If the eligible customer files a request with the Commission for approval of any nonconforming terms and conditions, the Commission shall review and make a determination concerning the request on an expedited basis.

4. Notwithstanding any specific statute to the contrary, information concerning any terms and conditions of the transaction with the alternative provider that the Commission determines are commercially sensitive:

(a) Must not be disclosed by the Commission except to the Regulatory Operations Staff of the Commission, the Consumer's Advocate, the staff of the Consumer's Advocate and the affected electric utility for the purposes of carrying out the provisions of this section; and

(b) Except as otherwise provided in NRS 239.0115, shall be deemed to be confidential for all other purposes, and the Commission shall take such actions as are necessary to protect the confidentiality of such information.

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 704B.340 is hereby amended to read as follows:

704B.340 1. A provider of new electric resources shall not sell energy, capacity or ancillary services to an eligible customer unless the customer has a time-of-use meter installed at the point of delivery of energy to the eligible customer.

2. *The Commission shall establish the date by which an electric utility must ensure that metering equipment is installed and operational at the point of delivery of energy to the eligible customer.*

3. An electric utility shall install a time-of-use meter at each point of delivery of energy to the eligible customer if the eligible customer does not have a time-of-use meter at that point of delivery. If the eligible customer is:

(a) A nongovernmental commercial or industrial end-use customer, the eligible customer or the provider shall pay all costs for the time-of-use meter and for installation of the time-of-use meter by the electric utility.

(b) A governmental entity, the provider shall pay all costs for the time-of-use meter and for installation of the time-of-use meter by the electric utility.

~~[3.]~~ *4.* Not more than one person or entity may sell the energy that is delivered to an eligible customer through any one time-of-use meter.

~~[4.]~~ *5.* The provisions of this section do not prohibit:

(a) An eligible customer from having more than one time-of-use meter installed for the same service location; or

(b) An eligible customer from installing any other meter or equipment that is necessary or appropriate to the transaction with the provider, if such a meter or equipment is otherwise consistent with system reliability.

Sec. 21. NRS 704B.360 is hereby amended to read as follows:

704B.360 1. If the Commission approves an application that is filed pursuant to NRS 704B.310 or a request that is filed pursuant to NRS 704B.325, ~~[the Commission shall order]~~ the eligible customer ~~[to:]~~ *or the provider of new electric resources, as applicable, shall:*

(a) Pay its share of the annual assessment levied pursuant to NRS 704.033 to the Commission and the Bureau of Consumer Protection in the Office of the Attorney General;

(b) Pay any other tax, fee or assessment that would be due a governmental entity had the eligible customer continued to purchase energy, capacity or ancillary services from the electric utility; and

(c) Remit any tax, fee or assessment collected pursuant to paragraph (b) to the applicable governmental entity.

2. Each person or entity that is responsible for billing an eligible customer shall ensure that the amount which the eligible customer must pay pursuant to paragraph (b) of subsection 1 is set forth as a separate item or entry on each bill submitted to the eligible customer.

3. If an eligible customer to whom an order is issued pursuant to subsection 1 thereafter purchases energy, capacity or ancillary services from an alternative provider pursuant to NRS 704B.325 without obtaining the approval of the Commission, the order issued pursuant to subsection 1 continues to apply to the eligible customer.

4. Upon petition by a governmental entity to which a tax, fee or assessment must be remitted pursuant to this section ~~[,]~~ *or the Regulatory Operations Staff of the Commission,* the Commission may limit, suspend or revoke any order issued to an eligible customer by the Commission pursuant to NRS 704B.310 ~~[and 704B.320]~~ *, limit, suspend or revoke any license issued to a provider of new electric resources pursuant to section 9 of this act, or impose an*

administrative fine pursuant to NRS 703.380, or both limit, suspend or revoke any order or license and impose an administrative fine pursuant to NRS 703.380, if the Commission, after providing an appropriate notice and hearing, determines that the eligible customer *or provider of new electric resources, as applicable,* has failed to pay ~~[the]~~ *any* tax, fee , ~~[or]~~ assessment ~~[.]~~ *cost or rate required to be paid or remitted pursuant to subsection 1.*

Sec. 22. NRS 239.010 is hereby amended to read as follows:

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

449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, ~~[704B.320,]~~ 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 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. 23. NRS 239C.270 is hereby amended to read as follows:

239C.270 1. Each utility *and each provider of new electric resources* shall:

(a) Conduct a vulnerability assessment in accordance with the requirements of the federal and regional agencies that regulate the utility ~~[,]~~ *or provider;* and

(b) Prepare and maintain an emergency response plan in accordance with the requirements of the federal and regional agencies that regulate the utility ~~[.]~~ *or provider.*

2. Each utility shall:

(a) As soon as practicable but not later than December 31, 2003, submit its vulnerability assessment and emergency response plan to the Division; and

(b) At least once each year thereafter, review its vulnerability assessment and emergency response plan and, as soon as practicable after its review is completed but not later than December 31 of each year, submit the results of its review and any additions or modifications to its emergency response plan to the Division.

3. *Each provider of new electric resources shall:*

(a) As soon as practicable but not later than December 31, 2019, submit its vulnerability assessment and emergency response plan to the Division; and

(b) At least once each year thereafter, review its vulnerability assessment and emergency response plan and, as soon as practicable after its review is completed but not later than December 31 of each year, submit the results of its review and any additions or modifications to its emergency response plan to the Division.

4. Except as otherwise provided in NRS 239.0115, each vulnerability assessment and emergency response plan of a utility *or provider of new electric resources* and any other information concerning a utility *or provider* that is necessary to carry out the provisions of this section is confidential and must be securely maintained by each person or entity that has possession, custody or control of the information.

~~[4.]~~ *5.* Except as otherwise provided in NRS 239C.210, a person shall not disclose such information, except:

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

(b) As is reasonably necessary to carry out the provisions of this section or the operations of the utility ~~[,]~~ *or provider of new electric resources,* as determined by the Division;

(c) As is reasonably necessary in the case of an emergency involving public health or safety, as determined by the Division; or

(d) Pursuant to the provisions of NRS 239.0115.

~~[5.]~~ *6.* If a person knowingly and unlawfully discloses such information or assists, solicits or conspires with another person to disclose such information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

7. As used in this section, "provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

Sec. 24. 1. Notwithstanding any other provision of law, an application filed before the effective date of this act pursuant to NRS 704B.310, as that section existed before the effective date of this act, shall be deemed to be denied by the Public Utilities Commission of Nevada unless the application was filed before May 16, 2019.

2. The amendatory provisions of this act governing the consideration and disposition by the Public Utilities Commission of Nevada of an application filed pursuant to NRS 704B.310 do not apply to an application filed before May 16, 2019, and the disposition of such an application must be controlled by the applicable statutes as they existed before the effective date of this act.

Sec. 25. Notwithstanding the provisions of NRS 704B.080, as amended by section 12 of this act, an eligible customer who, before the effective date of this act, was approved to purchase energy, capacity or ancillary services from a provider of new electric resources pursuant to the provisions of NRS 704B.310, as that section existed before the effective date of this act, shall be deemed to be an eligible customer on and after the effective date of this act.

Sec. 26. 1. Notwithstanding the provisions of NRS 704B.300, as amended by section 16 of this act, a provider of new electric resources who, before the effective date of this act, sold energy, capacity or ancillary services to one or more eligible customers that were approved to purchase energy, capacity or ancillary services from the provider pursuant to NRS 704B.310, as that section existed before the effective date of this act, must be issued a license by the Commission authorizing the provider of new electric resources to sell energy, capacity or ancillary services to that eligible customer if, not later than 30 days after a date established by the Commission by regulation, the provider

submits to the Commission an application for a license pursuant to section 9 of this act.

2. Notwithstanding the provisions of NRS 704B.310, as amended by section 17 of this act, an eligible customer who, before the effective date of this act, was approved to purchase energy, capacity or ancillary services from a provider of new electric resources pursuant to the provisions of NRS 704B.310, as that section existed before the effective date of this act, may, on and after the effective date of this act, purchase energy, capacity and ancillary services from that provider if, not later than 30 days after a date established by the Commission by regulation, the provider submits to the Commission an application for a license pursuant to section 9 of this act.

3. Notwithstanding the provisions of NRS 704B.310, as amended by section 17 of this act, an eligible customer who submitted an application pursuant to NRS 704B.310 before May 16, 2019, and was approved to purchase energy, capacity or ancillary services from a provider of new electric resources pursuant to the provisions of NRS 704B.310, as that section existed before the effective date of this act, may, on or after the date of the order authorizing the eligible customer to purchase energy, capacity or ancillary services from a provider of new electric resources, purchase such services from that provider if, not later than 30 days after a date established by the commission by regulation, the provider submits to the Commission an application for a license pursuant to section 9 of this act.

Sec. 27. NRS 704B.060, 704B.070, 704B.260 and 704B.320 are hereby repealed.

Sec. 28. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

704B.060 "Electric utility that primarily serves densely populated counties" defined. "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this state from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

704B.070 "Electric utility that primarily serves less densely populated counties" defined. "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this state from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

704B.260 Electric utilities may enter into certain agreements relating to generation assets; increased energy, capacity or ancillary services deemed new electric resource; ownership and use of new electric resource; limitations; duties and restrictions imposed on Commission.

1. Except as otherwise provided in this section, an electric utility may, at its discretion, enter into agreements relating to its generation assets and the

energy, capacity or ancillary services provided by its generation assets with one or more other persons who are not electric utilities. Such agreements, without limitation:

(a) May include agreements to construct or install a new generation asset on real property that is adjacent to an existing generation asset owned by the electric utility; and

(b) May provide for the sharing of available common facilities with the existing generation asset or the reengineering, repowering or expansion of the existing generation asset to generate energy more efficiently and at a lower cost and to make more energy available to customers in this state.

2. Any increased energy, capacity or ancillary services made available from a new generation asset or an existing generation asset pursuant to an agreement described in subsection 1 shall be deemed to be a new electric resource that may be:

(a) Owned by the parties to the agreement who are not electric utilities; and

(b) Used or consumed by such parties for their own purposes, sold at wholesale by such parties or sold by such parties to one or more eligible customers pursuant to the provisions of this chapter.

3. A transaction undertaken pursuant to an agreement described in subsection 1:

(a) Must not impair system reliability or the ability of the electric utility to provide electric service to its customers; and

(b) Must not violate the provisions of NRS 704.7561 to 704.7595, inclusive.

4. The provisions of this section do not exempt any party to an agreement described in subsection 1 from any applicable statutory or regulatory requirements relating to siting, construction and operation of a generation asset.

5. The Commission shall encourage the development of new electric resources and shall not exercise its regulatory authority in a manner that unnecessarily or unreasonably restricts, conditions or discourages any agreement described in subsection 1 that is likely to result in increased energy, capacity or ancillary services from a generation asset or improved or more efficient operation or management of a generation asset.

704B.320 Conditions and limitations for certain proposed transactions; requirements for certain eligible customers; limited disclosure of certain information; duties of Commission; compliance with portfolio standard.

1. For eligible customers whose loads are in the service territory of an electric utility that primarily serves densely populated counties, the aggregate amount of energy that all such eligible customers purchase from providers of new electric resources before July 1, 2003, must not exceed 50 percent of the difference between the existing supply of energy generated in this State that is available to the electric utility and the existing demand for energy in this State that is consumed by the customers of the electric utility, as determined by the Commission.

2. An eligible customer that is a nongovernmental commercial or industrial end-use customer whose load is in the service territory of an electric utility that primarily serves densely populated counties shall not purchase energy, capacity or ancillary services from a provider of new electric resources unless, as part of the proposed transaction, the eligible customer agrees to:

(a) Contract with the provider to purchase:

(1) An additional amount of energy which is equal to 10 percent of the total amount of energy that the eligible customer is purchasing for its own use under the proposed transaction and which is purchased at the same price, terms and conditions as the energy purchased by the eligible customer for its own use; and

(2) The capacity and ancillary services associated with the additional amount of energy at the same price, terms and conditions as the capacity and ancillary services purchased by the eligible customer for its own use; and

(b) Offers to assign the rights to the contract to the electric utility for use by the remaining customers of the electric utility.

3. If an eligible customer is subject to the provisions of subsection 2, the eligible customer shall include with its application filed pursuant to NRS 704B.310 all information concerning the contract offered to the electric utility that is necessary for the Commission to determine whether it is in the best interest of the remaining customers of the electric utility for the electric utility to accept the rights to the contract. Such information must include, without limitation, the amount of the energy and capacity to be purchased under the contract, the price of the energy, capacity and ancillary services and the duration of the contract.

4. Notwithstanding any specific statute to the contrary, information concerning the price of the energy, capacity and ancillary services and any other terms or conditions of the contract that the Commission determines are commercially sensitive:

(a) Must not be disclosed by the Commission except to the Regulatory Operations Staff of the Commission, the Consumer's Advocate, the staff of the Consumer's Advocate and the electric utility for the purposes of carrying out the provisions of this section; and

(b) Except as otherwise provided in NRS 239.0115, shall be deemed to be confidential for all other purposes, and the Commission shall take such actions as are necessary to protect the confidentiality of such information.

5. If the Commission determines that the contract:

(a) Is not in the best interest of the remaining customers of the electric utility, the electric utility shall not accept the rights to the contract, and the eligible customer is entitled to all rights to the contract.

(b) Is in the best interest of the remaining customers of the electric utility, the electric utility shall accept the rights to the contract and the eligible customer shall assign all rights to the contract to the electric utility. A contract that is assigned to the electric utility pursuant to this paragraph shall be deemed to be an approved part of the resource plan of the electric utility and a prudent

investment, and the electric utility may recover all costs for the energy, capacity and ancillary services acquired pursuant to the contract. To the extent practicable, the Commission shall take actions to ensure that the electric utility uses the energy, capacity and ancillary services acquired pursuant to each such contract only for the benefit of the remaining customers of the electric utility that are not eligible customers, with a preference for the remaining customers of the electric utility that are residential customers with small loads.

6. The provisions of this section do not exempt the electric utility, in whole or in part, from the requirements imposed on the electric utility pursuant to NRS 704.7801 to 704.7828, inclusive, to comply with its portfolio standard. The Commission shall not take any actions pursuant to this section that conflict with or diminish those requirements.

Senator Brooks moved the adoption of the amendment.

Remarks by Senator Brooks.

Amendment No. 1089 to Senate Bill No. 547 clarifies provisions that apply to certain eligible customers who have yet to take electric service.

Amendment adopted.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 547 revises various provisions relating to providers of energy, capacity or ancillary services generally made available from a generation asset that is not owned by an electric utility defined in statute as "new electric resources." The measure includes; but is not limited to, provisions that clarify the circumstances under which a data center is not considered to be a public utility; establish requirements a provider of new electric resources has to meet before obtaining a license to operate from the Public Utilities Commission of Nevada; revise the requirements a provider of new electric resources must satisfy to be eligible to sell energy, capacity or ancillary services to eligible customers, and revise the requirements an eligible customer must satisfy to be authorized to purchase energy, capacity or ancillary services from a provider of new electric resources. It revises the procedure to apply for and obtain the approval of the Commission for the purchase of electricity from providers of new electric resources by eligible customers, pursuant to an application submitted to the Commission on or after May 16, 2019, which is when this bill was introduced. It requires the integrated resource plans that must be submitted by each electric utility to contain certain information including a proposal for annual limits on energy and capacity that eligible customers are authorized to purchase from providers of new electric resources pursuant to an application submitted on or after May 16, May 2019. It prohibits the purchase of energy from an alternative provider unless the provider is licensed as a provider of new electric resources by the Commission; revises provisions concerning the payment of the annual mill tax and any other taxes, fees or assessment by the customer or the provider of new electric resources; requires the Commission to determine the date an electric utility must ensure that metering equipment is operational for a customer of a new electric source, and requires a new electric resource to ensure that all aspects of the electric grid are secure and reliable, regardless of whether customers are being serviced by an electric utility or a new electric resource.

Everything in this bill addresses prospective exits and applications. Current applications and customers who have exited still have the provisions of chapter 704B applied.

Roll call on Senate Bill No. 547:

YEAS—21.

NAYS—None.

Senate Bill No. 547 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 554.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 554 revises Nevada's Legislative continuance statute to provide that, except in certain emergency or extraordinary circumstances, a court or administrative body must grant a requested continuance to a Legislator or the President of the Senate when he or she is a party to, or is an attorney for a party to, a court or administrative action or proceeding during a Legislative Session. If the Legislator is an attorney for a party, he or she must have been employed by the party prior to the start of the Legislative Session. Unless a shorter period is requested, the continuance is effective for the duration of the Legislation Session plus an additional seven calendar day. Further, the bill provides such a continuance cannot be denied in whole or in part based on an objection by another party unless the objecting party proves satisfactorily that the continuance will defeat or abridge a substantial existing right or interest, or will cause substantial immediate or irreparable harm if granted.

Roll call on Senate Bill No. 554:

YEAS—21.

NAYS—None.

Senate Bill No. 554 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 96.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 96 appropriates $50,000 from the State General Fund to the Office of Historic Preservation of the State Department of Conservation and Natural Resources for the purpose of developing a pilot program for a Historic Sites via a Passport Program for persons visiting sites on a State Registrar of Historical Places. The Office, in consultation with the Department of Tourism and Cultural Affairs, shall prepare a report on the results of the Program including, without limitation, any recommendations for legislation and submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

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

Motion carried.

Senate in recess at 1:49 p.m.

SENATE IN SESSION

At 2:04 p.m.

President Marshall presiding.

Quorum present.

Senator Ratti moved that the bill be taken from the General File and placed on the Secretary's desk.

Motion carried.

Assembly Bill No. 168.

Bill read third time.

Remarks by Senators Pickard, Hammond, Hansen and Ohrenschall.

SENATOR PICKARD:

Assembly Bill No. 168 requires a school to provide a plan of action based on restorative justice principles before expelling a pupil, with certain exceptions. Nevada's Department of Education is authorized to approve such plans. The bill further requires the Department to develop at least one example of a plan of action and post-related information and discipline data on its Internet website.

It prohibits the permanent expulsion of a pupil who is not more than ten years of age. The bill authorizes the suspension or permanent expulsion of a pupil who is at least eleven years of age only after the board of trustees of the school district has reviewed the circumstances and approved the action. Additionally, Assembly Bill No. 168 prohibits a pupil from being suspended or expelled solely for offenses relating to attendance and requires each school district to adopt progressive discipline plans and make those plans available on the Internet. It also requires a school to develop a plan of behavior for a pupil who has been suspended.

Assembly Bill No. 168 reduces, from ten to five, the number of days, per occurrence, a pupil who is participating in a program of special education may be suspended. Suspensions of these pupils must be reviewed by the governing body of the school in order to ensure compliance with federal law. Finally, each school must collect, review and report certain data related to pupil discipline. The provisions of Assembly Bill No. 168 apply to public schools, including charter schools and university schools for profoundly gifted pupils.

SENATOR HAMMOND:

I rise in support of Assembly Bill No. 168, and I want to congratulate the Assemblywoman for bringing this bill, which I know was an important priority for Assemblyman Thompson. I appreciate her working with me to include some provisions, which will strengthen its effectiveness and will help schools with implementation. Restorative justice school discipline models are about addressing behavior and fractions with interventions that are nonpunitive. They are designed to improve the behavior of the pupil in the future and to remedy any harm caused by the infraction through supports.

When restorative justice is implemented with fidelity, in schools where a faculty has had input into the policy and has received adequate training in these models, it is a powerful approach to a wide range of problems. For example, it can help address extreme disproportionality and suspensions or expulsion for students in certain groups, like boys or girls, or students of color or at-risk students, through collecting data about exclusionary discipline in our schools. This bill is an important step to help us analyze and understand where these problems exist so schools, parents and communities can be better informed to solve them. With this information in hand, I hope we can also work together to ensure families are given choices so they can act to move their children into the schools they feel can best serve them.

Relatively few Nevada educators have much experience with this sort of justice model. Today, many school leaders looking to study and learn from best practices and exemplary models do not know where to turn to find them in Nevada. This is why we felt it important to direct the Nevada Department of Education to provide essential research to help them prepare for the requirements of this bill. First, to identify examples of restorative action plans that include the specific previsions of this bill to give educators models they can use and second, to provide research about recommended professional development schools can use to train their educators in what will frequently be new and different approaches to school discipline. It seems essential we provide this information to schools before requiring them to adopt and implement these new school discipline policies, which in many cases will be different from the discipline policies they now have in place.

That seems necessary both to support the fidelity and efficacy of the action plans we will be requiring schools to design and implement, and more fundamentally, to ensure our schools remain safe places for our students, teachers and school employees while these new discipline policies are put into place. I want to thank the sponsor for working with me to incorporate these changes. I look forward to supporting the amendment and the bill.

SENATOR HANSEN:

I was honestly shocked when we heard the testimony about Assembly Bill No. 168. Right now, we have teachers being assaulted in our public schools to such a level they are having a hard time retaining them in at-risk schools. Eighty-nine percent of the teachers that have left the Clark County School District have done so from a high-risk school. When you talk with them privately, one of the most disturbing things is they no longer feel safe in their own classrooms. To my surprise, my colleagues pointed out this is an improvement over the current system. I am going to vote "no" on this. Apparently, this is a step in the right direction, but we need to become more aware that we have situations where teachers are being physically assaulted in the classroom, and we are not talking just special education classrooms but in regular classrooms. There are provisions in this bill that essentially make the teacher try and enforce the expulsion of these types of kids. If these kids are so out of control they are going after the teacher, you can just imagine what they are doing to their fellow classmates. The focus is a little too much on rehabilitation. When you have this level of problem we need to be doing more to reinforce how teachers are approached and the respect they have.

Forty years ago this month, I graduated from high school, and the idea of one of our fellow classmates actually threatening, physically threatening, one of our teachers was just was unheard of. The idea there is a serious problem with this issue in our public schools is disturbing to me. Apparently, this is a major step in the right direction, but I am, as a protest vote, going to vote "no" on this thing. I hope in all seriousness this will be addressed aggressively in the future, perhaps it will also help with retaining teachers in our public schools.

SENATOR OHRENSCHALL:

I rise in support of Assembly Bill No. 168. This bill has a lot of personal meaning to me, both because of the content, which is tremendous, and will go a long way to trying to make sure that children who do not belong either in the delinquency system or criminal justice system do not end up there and are allowed to stay in school, but also because of the sponsor, Assemblyman Thompson. About a year ago, I served with Assemblyman Thompson and attended a meeting in Clark County of the Clark County School Justice Partnership. A group of about 50 people looked at alternatives to try and make sure kids do not end up in that system. I remember Assemblyman Thompson asking if they had a bill about it. This was so important to him. I urge its passage.

SENATOR PICKARD:

I rise in support of Assembly Bill No. 168. Having participated at length with Assemblyman Thompson in the CCSD Juvenile Justice Partnership Program and watching what started out as a pilot program with the Harbor and seeing its success in early intervention, I understand what my colleague from Senate District 14 is saying in terms of the crisis we are having in the classroom with violence and disrespect. The beautiful thing about the Restorative Justice Model this is based on is that we are talking about early intervention. We are talking about addressing behaviors before they become problems. The prior discipline system had to wait until there was a problem, until there was disruptive behavior and ultimately may have injured another student or a faculty member. Having been involved in this and watching how the Restorative Justice Model aims to help children get back on track before they become stuck in what we call the school-to-prison pipeline, I know it is a noble cause. I encourage my colleagues to vote "yes" on this bill.

Roll call on Assembly Bill No. 168:

YEAS—20.

NAYS—Hansen.

Assembly Bill No. 168 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 267.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 267 allows a person who is wrongfully convicted in this State to bring a civil action in district court seeking compensation. The person must not currently be incarcerated for any offense and must meet certain other requirements in order to bring an action, including not having committed the acts that were the basis of the conviction, and not having been an accomplice or aiding, abetting or acting as an accessory to the person who committed the offense. Additionally, the basis for reversing or vacating the conviction cannot have been a legal error unrelated to the person's innocence, and the person must not have committed perjury or fabricated evidence in the underlying criminal proceeding. If a person prevails in such an action, the Court is required to enter a certificate of innocence, seal all records relating to the underlying wrongful conviction and award damages or certain other relief. All provisions of existing federal and State law relating to absolute or qualified immunity of any judicial officer, prosecutor or law enforcement officer are applicable to an action brought under the provisions of this bill. If a person receives an award from the State pursuant to such a wrongful conviction action and subsequently receives a civil settlement that exceeds the amount awarded by the State, the person must reimburse the State.

Roll call on Assembly Bill No. 267:

YEAS—21.

NAYS—None.

Assembly Bill No. 267 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 289.

Bill read third time.

Remarks by Senators Dondero Loop, Hammond and Denis.

SENATOR DONDERO LOOP:

Assembly Bill No. 289 makes changes to provisions relating to the retention of certain students whom demonstrate a deficiency in reading by requiring such pupils to be provided intervention services and intensive instruction, rather than being retained in third grade. A principal may choose to retain a pupil in certain circumstances. It also expands plans to improve the literacy of students to all students in an elementary school; revises provisions related to literacy specialists who must be licensed teachers, and modifies requirements related to assessments to determine proficiency in reading.

Assembly Bill No. 289 ensures consistency in the use of assessments and required reporting regardless of whether the school is a public school or charter school. Finally, Assembly Bill No. 289 changes certain provisions related to grants provided by Nevada's Department of Education to carry out a program of improving the literacy of elementary school students by creating a weighted-funding formula for distributing the noncompetitive grants; clarifying that district-sponsored charter schools are eligible to receive grant funding, and restricting funding for literacy programs from being used to supplant other budgets.

SENATOR HAMMOND:

When this legislation passed in 2015, I was admittedly one of the last lawmakers to get on board. I had problems with it from the beginning, especially with the testing requirement. I am still worried about the over testing we do, but after listening to the arguments in its favor, I came

to see compelling value in its approach combined with the substantial resources we are putting into this program. This is not the time to dismantle Read by Grade 3. Now is the time we are beginning to learn how well it is working. This bill does not improve Read by Grade 3; it weakens it. The good-cause exemptions and other alternatives already in Read by Grade 3 represent important flexibility for decision makers when it comes to the decision about each child's retention or advancement. Reading-intensive intervention programs are already required under Read by Grade 3. More resources for reading specialists are necessary, and we were making that a priority, with good reason, before this bill came along.

My wife and I have experienced its value as parents. Our youngest daughter is a struggling reader. We got a clear indication of exactly how and where she was struggling from the information her school provided at the end of second grade. According to the dictates of the program, we understood that Isa was behind where her siblings were. This information, which came because of the early assessments required in Read by Grade 3, gave us useful actionable information and strategies to work with her at home to bring her closer to where she needs to be in reading at grade level proficiency by the end of third grade. We will soon know how much progress my daughter has made because of working with the school and us. We hope she has fully caught up and is reading on grade level by the end of next year. If she has not, we understand it is likely in her best interest to not be promoted just yet, and that it might be better to return for more reading intervention intensive learning.

My wife and I are both educators, and we are aware of what an important predictor of future success this represents for all children. The State Board of Education finalized the decision making process for the Read by Grade 3 program less than a year ago. Now, we need to see how it is working. For these reasons, I find it necessary to vote against Assembly Bill No. 289 at this time.

SENATOR DENIS:

One of the most important things you can do in education is learning to read. If you cannot read, you cannot do math and you cannot do science. Reading is an important thing that needs to occur first; we have seen that with Zoom Schools. One of the key components of Zoom Schools are the reading centers that help kids learn to read. We have seen great success when you provide tools for kids to learn to read. There was not a lot of discussion about learning to read when this was originally passed. We basically copied what some other states were doing. They themselves had not even done it for very long. In fact, they were just getting their programs set up. One of the benefits to meeting every other year is that we get a chance to learn from other states. We have seen the results from some of these other states, and it is not conclusive. In and of itself, holding a child back does not help them learn to read. However, it is important they learn to read, and one of the things is providing the tools. This bill does that; it provides the tools so kids can learn to read, and it gives the opportunity to retain, if necessary, but it is not a blanket thing where we just have to retain kids. The way it was rolled out, originally, not everyone got that opportunity. This will help our kids to learn to read. I am in support of Assembly Bill No. 289, and I urge your support.

Roll call on Assembly Bill No. 289:

YEAS—17.

NAYS—Hammond, Hansen, Hardy, Settelmeyer—4.

Assembly Bill No. 289 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Assembly Bills Nos. 444, 446, 489, 533, 535 be taken from the General File and placed at the top of the General File on the fourth Agenda.

Motion carried.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Madam President:

Your Committee on Finance, to which were referred Senate Bill No. 546; Assembly Bill No. 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Senate Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOYCE WOODHOUSE, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 176, 356, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which were referred Assembly Bills Nos. 326, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 1, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 89, Amendment No. 1067; Senate Bill No. 98, Amendment No. 1065; Senate Bill No. 209, Amendment No. 1066; Senate Bill No. 461, Amendments Nos. 718, 888, 994, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

ASSEMBLY CHAMBER, Carson City, June 2, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 766 to Assembly Bill No. 393.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

By Senator Cannizzaro; Assemblymen Neal, Fumo, Benitez-Thompson and Yeager (emergency request of Senate Majority Leader):

Senate Concurrent Resolution No. 11—Directing the Legislative Commission to appoint a committee to conduct an interim study of issues relating to pretrial release of defendants in criminal cases.

Senator Cannizzaro moved that Senate Standing Rule No. 40 be suspended and that the resolution be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which was re-referred Senate Bill No. 361, 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 Growth and Infrastructure, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

YVANNA D. CANCELA, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 19, 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NICOLE J. CANNIZZARO, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 546.

Bill read second time and ordered to third reading.

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1085.

SUMMARY—Enacts the Sexual Assault Survivors' Bill of Rights. (BDR 14-87)

AN ACT relating to crimes; enacting the Sexual Assault Survivors' Bill of Rights; defining certain terms relating to victims of sexual assault; creating the Advisory Committee on the Rights of Survivors of Sexual Assault; prescribing the membership and duties of the Advisory Committee; requiring certain information to be provided to a victim of sexual assault; revising certain provisions relating to sexual assault forensic analysis kits; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides under certain circumstances that a person who: (1) subjects another person or child under the age of 14 years to sexual penetration; or (2) forces another person or child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) Sections 2-29 of this bill enact the Sexual Assault Survivors' Bill of Rights. Section 15 of this bill defines the term "survivor" for purposes of the Bill of Rights, and certain other purposes, as a person who is the victim of a sexual assault or certain other persons if the victim is incompetent, deceased or a minor.

Section 16 of this bill provides that the Sexual Assault Survivors' Bill of Rights attaches when a survivor is subject to: (1) a forensic medical examination; or (2) an interview by a law enforcement official or prosecutor. Section 17 of this bill generally grants a survivor the right to consult with [~~,~~

~~(1)~~ a sexual assault victims' advocate ~~[;]~~ or ~~[(2)]~~ to designate an attendant ~~[of the survivor's choosing]~~ for support during a sexual assault forensic medical examination and an interview with a law enforcement official or prosecutor. Further, Section 18 of this bill provides: (1) that a survivor retains the rights set forth in Section 17 even if the survivor has waived such rights during a previous examination or interview; and (2) that, except with the consent of the survivor, the fact that the survivor waived the right to consult with a sexual assault victims' advocate is not admissible into evidence for any purpose.

Section 19 of this bill outlines a survivor's rights before and during a forensic medical examination and prescribe certain duties required of the medical provider. Section 20 of this bill makes conforming changes to reflect a survivor's rights during an interview with a law enforcement official or prosecutor, and such an interviewer's duties. Section 21 of this bill affords a survivor the right to counsel under certain circumstances.

Sections 22-24 of this bill set forth procedures regarding the collection and analysis of forensic evidence kits. Section 25 of this bill prohibits a defendant from challenging his or her conviction based on certain persons not adhering to such collection and analysis timelines. Section 26 of this bill provides that forensic evidence from the sexual assault may not be used to prosecute a survivor under certain circumstances. Section 27 of this bill requires the Office of the Attorney General to develop and make available certain information for a survivor regarding his or her sexual assault.

Section 29 of this bill provides a survivor with certain rights regarding the legal process, such as being reasonably protected from the defendant, being allowed to wait at trial in a separate area from the defendant, authorizing the survivor to make a survivor impact statement under certain circumstances and prohibiting the requirement of an examination by polygraph of the survivor before he or she is authorized to participate in certain legal processes.

Section 32 of this bill creates the Advisory Committee on Rights of Survivors of Sexual Assault, and Section 33 of this bill prescribes the duties of the Advisory Committee as related to sexual assault forensic evidence kits, sexual assault victims' advocates and the implementation of the rights guaranteed by the Sexual Assault Survivors' Bill of Rights.

Existing law requires a prosecutor to inform an alleged victim of sexual assault of the final disposition of the case if the case goes to trial. (NRS 200.3784) Section 35 of this bill additionally requires the prosecutor to provide, upon the written request of the alleged victim, the pretrial disposition of the case and information supplied by the sex offender registry regarding the defendant, if applicable.

Existing law sets forth certain requirements pertaining to the collection and analysis of sexual assault forensic evidence kits. (NRS 200.3786) Section 36 of this bill requires: (1) a medical provider to notify a law enforcement agency within 72 hours of conducting a forensic medical examination; and (2) the law enforcement agency to take possession of such a kit within 5 days of such notification.

Existing law requires the State to implement a statewide tracking system for sexual assault forensic evidence kits and to submit an annual report to the Legislature regarding certain data collected by forensic laboratories analyzing such kits. (NRS 200.3786, 200.3788) Section 36 eliminates the requirement to make such a report. Section 37 of this bill requires that the survivor be allowed to track or receive certain updates via Internet or telephone.

Section 40.5 of this bill makes an appropriation of $150,000 for each fiscal year to the Office of the Attorney General for the purpose of awarding grants to organizations that will recruit and train persons to serve as sexual assault victims' advocates.

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

Section 1. Title 14 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 34, inclusive, of this act.

Sec. 2. *Sections 2 to 29, inclusive, of this act may be cited as the Sexual Assault Survivors' Bill of Rights.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 15, inclusive, of this act have the meaning ascribed to them in those sections.*

Sec. 4. *"CODIS" has the meaning ascribed to it in NRS 176.09113.*

Sec. 5. *"DNA profile" has the meaning ascribed to it in NRS 176.09115.*

Sec. 6. *"Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.*

Sec. 7. *"Forensic medical examination" has the meaning ascribed to it in NRS 217.300.*

Sec. 8. *"Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.*

Sec. 9. *"Law enforcement agency" means any agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.*

Sec. 10. *1. "Law enforcement official" means:*

(a) Any person employed by a law enforcement agency; or

(b) Any person employed by a public school, private school or institution of higher education whose primary duty is to enforce the law.

2. For purposes of this section:

(a) "Institution of higher education" has the meaning ascribed to it in NRS 179D.045.

(b) "Private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

(c) "Public school" has the meaning ascribed to it in NRS 388.127.

Sec. 11. *"Medical provider" means any provider of health care, as defined in NRS 629.031, hospital, emergency medical facility or other facility conducting a forensic medical examination of a survivor.*

Sec. 12. (Deleted by amendment.)

Sec. 13. *"Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.*

Sec. 13.5. *"Sexual assault victims' advocate" means a victims' advocate or other trained person who is employed or volunteers at an established center for the support of survivors.*

Sec. 14. *"State DNA Database" means the database established pursuant to NRS 176.09121.*

Sec. 15. *"Survivor" means a person who is a victim of sexual assault, as defined in NRS 217.280 or, if the victim is incompetent, deceased or a minor, the parent, guardian, spouse, legal representative or other person related to the victim within the second degree of consanguinity or affinity, unless such person is the defendant or accused or is convicted of the sexual assault.*

Sec. 16. *1. The rights provided to a survivor pursuant to the Sexual Assault Survivors' Bill of Rights attach whenever the survivor is subject to:*

(a) A forensic medical examination; or

(b) An interview by a law enforcement official or prosecutor.

2. A survivor retains the rights provided by the Sexual Assault Survivors' Bill of Rights at all times, regardless of whether the survivor:

(a) Agrees to participate in the legal or criminal justice system;

(b) Agrees to speak to a law enforcement official or prosecutor; or

(c) Consents to a forensic medical examination.

Sec. 17. *1. A survivor has the right to consult with a sexual assault victims' advocate during:*

(a) Any forensic medical examination; and

(b) Any interview by a law enforcement official or prosecutor.

2. ~~[A]~~ Except as otherwise provided in subsection 3, a survivor has the right to designate an attendant to provide support during:

(a) Any forensic medical examination; and

(b) Any interview by a law enforcement official or prosecutor.

3. If a law enforcement official or prosecutor conducts an interview of a survivor who is a minor, the law enforcement official or prosecutor may exclude the attendant from the interview if the law enforcement official or prosecutor:

(a) Has successfully completed specialized training in interviewing survivors who are minors that meets the standards of the National Children's Alliance or its successor organization or another national organization that provides specialized training in interviewing survivors who are minors; and

(b) Determines, in his or her good faith, that the presence of the attendant would be detrimental to the purpose of the interview.

Sec. 18. *1. A survivor retains the rights pursuant to section 17 of this act even if the survivor has waived such rights during a previous examination or interview.*

2. Except with the consent of the survivor, the fact that the survivor waived the right to consult with a sexual assault victims' advocate pursuant to section 17 of this act is not admissible into evidence for any purpose.

Sec. 19. *1. If a survivor requests a consultation with a sexual assault victims' advocate or an attendant to provide support to the survivor pursuant to section 17 of this act, the medical provider shall summon the sexual assault victims' advocate or attendant before the commencement of the forensic medical examination.*

2. If a sexual assault victims' advocate or an attendant to provide support to the survivor pursuant to section 17 of this act cannot be summoned in a timely manner, the medical provider shall inform the survivor of the ramifications of delaying the forensic medical examination.

3. A survivor must not be required to pay any expense related to a forensic medical examination pursuant to NRS 217.300.

4. After the forensic medical examination, the survivor has the right to use a shower apparatus at no cost, unless a facility which includes a shower apparatus is not available.

5. Before a medical provider commences a forensic medical examination, the medical provider shall inform the survivor of his or her rights pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law by presenting a document developed by the Office of the Attorney General pursuant to section 27 of this act.

6. The person who presents to the survivor the document developed by the Office of the Attorney General pursuant to section 27 of this act shall sign a written acknowledgment indicating that the person presented the document to the survivor. The written acknowledgment must be retained in the case file of the survivor.

Sec. 20. *1. If a survivor exercises his or her right to consult with a sexual assault victims' advocate during an interview pursuant to section 17 of this act, the law enforcement official or prosecutor conducting the interview, as applicable, shall summon the sexual assault victims' advocate before the commencement of the interview, unless no sexual assault victims' advocate can be summoned in a timely manner.*

2. A survivor has the right to designate an attendant to provide support of his or her choosing during any interview by a law enforcement official or prosecutor pursuant to section 17 of this act, unless the law enforcement official or prosecutor determines, in his or her good faith, that the presence of the attendant would be detrimental to the purpose of the interview.

3. A survivor has the right to be interviewed by a law enforcement official of the gender of the choosing of the survivor. If no law enforcement official of that gender is available in a reasonably timely manner, the survivor may be interviewed by an available law enforcement official of a different gender only upon the consent of the survivor.

4. A law enforcement official or prosecutor shall not discourage a survivor from receiving a forensic medical examination.

5. Before commencing an interview with a survivor, the law enforcement official or prosecutor conducting the interview shall inform the survivor of his

or her rights pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law.

6. Any information conveyed by the law enforcement official or prosecutor pursuant to subsection 5 must be conveyed to the survivor by presenting a document developed by the Office of the Attorney General pursuant to section 27 of this act.

7. The person who presents to the survivor the document developed by the Office of the Attorney General pursuant to section 27 of this act shall sign a written acknowledgment indicating that the person presented the document to the survivor. The written acknowledgment must be retained in the case file of the survivor.

Sec. 21. *1. A survivor retains the right to have counsel present during any forensic medical examination, interview, investigation or other interaction with any representative of the legal or criminal justice system within this State pursuant to sections 16 to 20, inclusive, of this act.*

2. The treatment of the survivor must not be affected or altered in any way as a result of the decision of the survivor to exercise his or her right to have counsel present during any forensic medical examination, interview, investigation or other interaction with the legal or criminal justice systems within this State.

Sec. 22. *1. A survivor has the right to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.*

2. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the survivor requests, in writing at any time prior to such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.

3. Biological evidence, including, without limitation, a sexual assault forensic evidence kit, secured in connection with the investigation or prosecution of a criminal case must be preserved and stored in accordance with the provisions of this subsection and NRS 176.0912. A sexual assault forensic evidence kit that is in the custody of an agency of criminal justice must be retained for:

(a) If the sexual assault forensic evidence kit is associated with an uncharged or unsolved sexual assault, at least 50 years.

(b) If the sexual assault forensic evidence kit is associated with an unreported or anonymous sexual assault, at least 20 years.

4. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual assault forensic evidence kit at any later date before the expiration of the retention period pursuant to subsection 3.

5. A survivor has the right to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.

Sec. 23. *Upon the request of a survivor, he or she has the right to be informed of:*

1. The results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;

2. Whether the analysis yielded a DNA profile; and

3. Whether the analysis yielded the DNA profile of the defendant or person accused or convicted of a crime against the survivor or a person already in CODIS.

Sec. 24. *The failure of a law enforcement agency to take possession of a sexual assault forensic evidence kit pursuant to the Sexual Assault Survivors' Bill of Rights, or the failure of the law enforcement agency to submit such evidence for genetic marker analysis within the timeline prescribed pursuant to the Bill of Rights, does not alter:*

1. The authority of a law enforcement agency to take possession of that evidence or to submit that evidence to a forensic laboratory; and

2. The authority of the forensic laboratory to accept and analyze the evidence or to upload an eligible DNA profile obtained from such evidence to CODIS or the State DNA Database.

Sec. 25. *1. A defendant or person accused or convicted of a crime against a survivor does not have standing to seek to have his or her conviction or sentence set aside for any failure by a medical provider, law enforcement agency, forensic laboratory or other relevant entity to comply with the timing requirements of the Sexual Assault Survivors' Bill of Rights.*

2. Failure by a medical provider, law enforcement agency, forensic laboratory or other relevant entity to comply with the requirements of the Sexual Assault Survivors' Bill of Rights does not constitute grounds for challenging the validity of a match or any information in the State DNA Database during any criminal or civil proceeding, and any evidence of such a match or any information in the State DNA Database must not be excluded by a court on such grounds.

Sec. 26. *Forensic evidence from a sexual assault may not be used:*

1. To prosecute a survivor for any:

(a) Misdemeanor; or

(b) Offense related to a controlled substance.

2. As a basis to search for further evidence of any unrelated misdemeanor or any offense related to a controlled substance that may have been committed by the survivor.

Sec. 27. *1. The Office of the Attorney General shall:*

(a) Develop a document that explains the rights of a survivor pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law; and

(b) Make the document available to medical providers, law enforcement officials and prosecutors.

2. The document must be in clear language that is comprehensible to a person proficient in English at the reading level of a fifth grader, accessible to persons with visual disabilities and available in all major languages of this State.

3. The document must include, without limitation:

(a) A clear statement that the survivor is not required to participate in the criminal justice system or to receive a forensic medical examination in order to retain the rights provided by the Sexual Assault Survivors' Bill of Rights and other relevant law;

(b) Means of contacting, by telephone or Internet, nearby sexual assault victims' advocates and centers for support for victims of sexual assault;

(c) Information about the availability of temporary and extended orders of protection pursuant to NRS 200.378;

(d) Instructions for requesting the results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;

(e) Information concerning state and federal funds for compensation for medical and other costs associated with the sexual assault; and

(f) Information concerning any municipal, state or federal right to restitution for survivors in the event of a criminal trial.

Sec. 28. *1. Except as otherwise provided in this subsection, a law enforcement agency shall, upon written request by the survivor, furnish within 1 month, free, complete and unaltered copies of all reports of the law enforcement agency concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency. A law enforcement agency may, as appropriate, redact personal identifying information from any reports provided pursuant to this subsection. As used in this section, "personal identifying information" has the meaning ascribed to it in NRS 205.4617.*

2. A prosecutor shall, upon written request of a survivor, provide certain information to the survivor pursuant to NRS 200.3784.

3. Each forensic laboratory shall submit the report concerning the status of sexual assault forensic evidence kits annually pursuant to NRS 200.3786.

Sec. 29. *1. In addition to any other right provided by law, a survivor has the right:*

(a) In any civil or criminal case related to a sexual assault, to be reasonably protected from the defendant and persons acting on behalf of the defendant.

(b) To be free from intimidation, harassment and abuse.

(c) To be treated with fairness and respect for his or her privacy and dignity.

(d) To be heard through a victim impact statement at any proceeding involving any plea, sentencing, postconviction decision or any other proceeding where the rights of the survivor are at issue.

2. A survivor must not be required to submit to an examination by polygraph as a prerequisite to filing an accusatory pleading or participating in any part of the criminal justice system.

3. A court shall make reasonable efforts to provide the survivor and the family, friends and witnesses of the survivor with a secure waiting area or room that is separate from:

(a) The waiting area of the defendant and the family, friends, witnesses and attorneys of the defendant; and

(b) The office of the prosecutor, if applicable.

Sec. 30. (Deleted by amendment.)

Sec. 31. *As used in sections 31 to 34, inclusive, of this act, "Advisory Committee" means the Advisory Committee on Rights of Survivors of Sexual Assault.*

Sec. 32. *1. There is hereby created the Advisory Committee on Rights of Survivors of Sexual Assault.*

2. The Advisory Committee consists of:

(a) The Attorney General;

(b) The Director of the Department of Corrections;

(c) One member who is a law enforcement official working for a local law enforcement agency, appointed by the Nevada Sheriffs' and Chiefs' Association;

(d) One member who is an attorney, appointed by the governing body of the State Bar of Nevada; and

(e) The following members appointed by the Attorney General:

(1) One member who is a survivor and a citizen or lawful resident of this State;

(2) One member who is a representative of an organization supporting the rights of survivors;

(3) One member who is a representative of a center of support for victims of sexual assault;

(4) One member who is a representative of a forensic laboratory;

(5) One member who is a representative of a university, state college or community college within the Nevada System of Higher Education whose duties of his or her occupation include direct services to victims of sexual assault and whose employer is not under investigation by the United States Department of Education for an alleged violation of 20 U.S.C. § 1092 or Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;

(6) One member who is a representative of an organization that provides services, education or outreach to minority communities;

(7) One member who is a representative of an organization that provides services, education or outreach to lesbian, gay, bisexual, transgender and questioning persons; and

(8) One member who is a nurse examiner who specializes in forensic medical examinations for sexual assault.

3. The Attorney General may appoint not more than three other persons to the Advisory Committee. The total membership of the Advisory Committee must not exceed 15 members.

4. If any organization listed in subsection 2 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Attorney General.

5. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Advisory

Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

6. At the first regular meeting of each odd-numbered year, the members of the Advisory Committee shall elect a Chair by majority vote who shall serve until the next Chair is elected.

7. The Advisory Committee shall meet at least once annually at a time and place specified by the Chair and may meet at such further times as deemed necessary by the Chair.

8. A majority of the members of the Advisory Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Advisory Committee.

9. While engaged in the business of the Advisory Committee, to the extent of legislative appropriation, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. The Attorney General shall provide the staff necessary to carry out the duties of the Advisory Committee.

Sec. 33. *1. The Advisory Committee shall study practices that are nationally recognized and make recommendations regarding:*

(a) Whether a need exists for additional sexual assault victims' advocates for survivors and, if such a need exists, the Advisory Committee shall, in conjunction with centers of support for victims of sexual assault, organizations for advocates of survivors and other relevant programs or organizations, create a plan for how the State can provide additional sexual assault victims' advocates to meet such a need, and determine the cost of such a plan.

(b) Whether the need exists to expand the right of a survivor to a sexual assault victims' advocate beyond the forensic medical examination and with a law enforcement official interview, and if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need.

(c) Whether a need exists to provide ongoing evaluation of the implementation of the rights of survivors pursuant to the Sexual Assault Survivors' Bill of Rights and, if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need, legislatively or otherwise.

2. In fulfilling the duties prescribed by subsection 1, the Advisory Committee shall collect:

(a) Data regarding reporting of sexual assaults, arrests relating to sexual assaults, rates of prosecutions relating to sexual assaults, access to victims' services for survivors and any other relevant data necessary relating to sexual assaults for the deliberations and recommendations of the Advisory Committee

and, if such data does not exist, the Advisory Committee shall encourage the creation and maintenance of such data; and

(b) Feedback from stakeholders, practitioners and leadership of state and local law enforcement agencies, victims' services, practitioners of forensic science and health care communities to inform the development of best practices for the future, or clinical guidelines regarding the care and treatment of survivors.

3. In undertaking the duties prescribed by subsection 1, the Advisory Committee may retain independent experts. Such experts may:

(a) Request files and records from any law enforcement official. The information obtained from such a request must be kept strictly confidential and reported only as aggregated or anonymized data.

(b) Conduct confidential interviews with law enforcement officials, medical providers, sexual assault victims' advocates and other such persons with direct knowledge of the response process for sexual assaults.

(c) Provide recommendations to the Advisory Committee.

4. On or before September 1 of each even-numbered year, the Advisory Committee shall:

(a) Prepare a report that includes the results of the assessments, developments and recommendations pursuant to this section.

(b) Submit the report prepared to paragraph (a) to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission.

Sec. 34. *1. The Attorney General may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of sections 31 to 34, inclusive, of this act.*

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Committee, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Advisory Committee and its activities pursuant to sections 31 to 34, inclusive, of this act.

Sec. 35. NRS 200.3784 is hereby amended to read as follows:

200.3784 1. ~~[The]~~ *Upon written request of the alleged victim, the* prosecuting attorney in any trial brought against a person on a charge of sexual assault shall *timely* inform the alleged victim of ~~[the]~~ *:*

(a) Any pretrial disposition of the case;

(b) The final disposition of the case ~~[.]~~ *; and*

(c) Information from the record of registration pursuant to NRS 179D.151 regarding the defendant, if applicable.

2. If the defendant is found guilty and the court issues an order or provides a condition of the sentence restricting the ability of the defendant to have contact with the victim or witnesses, the clerk of the court shall:

(a) Keep a record of the order or condition of the sentence; and

(b) Provide a certified copy of the order or condition of the sentence to the victim and other persons named in the order.

Sec. 36. NRS 200.3786 is hereby amended to read as follows:

200.3786 1. *Within 72 hours after conducting a forensic medical examination, a medical provider shall notify the law enforcement agency having jurisdiction over the alleged sexual assault of the victim and the law enforcement agency shall take possession of the sexual assault forensic evidence kit.*

2. If a law enforcement agency determines it does not have jurisdiction over an alleged sexual assault, the law enforcement agency shall notify the law enforcement agency having proper jurisdiction of such an assault within 5 days after taking possession of the sexual assault forensic evidence kit. After receiving such notice, the law enforcement agency with proper jurisdiction shall take possession of the sexual assault forensic evidence kit.

3. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 30 days after receiving *notice pursuant to subsection 1 or 2 of* a sexual assault forensic evidence kit, submit the sexual assault forensic evidence kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis. The provisions of this subsection do not apply to any noninvestigatory sexual assault forensic evidence kit associated with a victim who has chosen to remain anonymous.

~~[2.]~~ *4. A law enforcement agency shall, not later than 5 days after receiving notice of a sexual assault forensic evidence kit, assign a criminal complaint number to the evidence.*

5. Any law enforcement agency that submits a sexual assault forensic evidence kit to a forensic laboratory shall, immediately following such a submission, notify the victim of the information contained in subsections 1, 2 and 3.

6. A forensic laboratory shall, not later than 120 days after receiving a sexual assault forensic evidence kit from a law enforcement agency, test the sexual assault forensic evidence kit ~~[.]~~ *, unless the victim requests, in writing, to defer the genetic marker analysis of the sexual assault forensic evidence kit pursuant to section 22 of this act.*

7. Upon completion of a genetic marker analysis, the forensic laboratory shall include ~~[the]~~ *an eligible* DNA profile obtained from the genetic marker analysis in the State DNA Database and CODIS.

~~[3. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before January 31 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. If the Legislature is in session, the Director shall ensure that each member of the Assembly and Senate Standing Committees on Judiciary receives a copy of the report. The report must contain:~~

~~(a) With regard to any sexual assault forensic evidence kit received by the forensic laboratory before January 1, 2015:~~

~~(1) The total number of such sexual assault forensic evidence kits tested during the immediately preceding calendar year; and~~

~~(2) The total number of such sexual assault forensic evidence kits that have not been tested.~~

~~(b) With regard to any sexual assault forensic evidence kit received by the forensic laboratory on or after January 1, 2015:~~

~~(1) The total number of such sexual assault forensic evidence kits tested during the immediately preceding calendar year and, for each such sexual assault forensic evidence kit, the date on which:~~

~~(I) The forensic evidence was obtained from a forensic medical examination;~~

~~(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory; and~~

~~(III) The DNA profile obtained from the genetic marker analysis was included in the State DNA Database and CODIS.~~

~~(2) The total number of such sexual assault forensic evidence kits that have not been tested and, for each such sexual assault forensic evidence kit, the date on which:~~

~~(I) The forensic evidence was obtained from a forensic medical examination; and~~

~~(II) The sexual assault forensic evidence kit was submitted to the forensic laboratory.~~

~~4.~~ *8.* As used in this section:

(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.

(b) "State DNA Database" has the meaning ascribed to it in NRS 176.09119.

Sec. 37. NRS 200.3788 is hereby amended to read as follows:

200.3788 1. A statewide program to track sexual assault forensic evidence kits must be established in this State. The Attorney General shall, pursuant to the recommendation of the Sexual Assault Kit Working Group, designate a department or division of the Executive Department of State Government to establish the program. The designated department or division may contract with any appropriate public or private agency, organization or institution to carry out the provisions of this section.

2. The program to track sexual assault forensic evidence kits must:

(a) Track the location and status of sexual assault forensic evidence kits, including, without limitation, the initial forensic medical examination, receipt by a law enforcement agency and receipt and genetic marker analysis at a forensic laboratory.

(b) Allow providers of health care who perform forensic medical examinations, law enforcement agencies, prosecutors, forensic laboratories and any other entities having sexual assault forensic evidence kits in their custody to track the status and location of sexual assault forensic evidence kits.

(c) Allow a victim of sexual assault to anonymously track or receive , *by telephone or on an Internet website,* updates regarding the status and location of his or her sexual assault forensic evidence kit.

3. The department or division designated pursuant to subsection 1 shall, on or before January 1 and July 1 of each year, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and post on the Internet website maintained by the department or division a report concerning the statewide program to track sexual assault forensic evidence kits. The report must include:

(a) The number of sexual assault forensic evidence kits in the program in each county.

(b) The number of sexual assault forensic evidence kits for which genetic marker analysis has been completed for each county for the last 6 months.

(c) The number of sexual assault forensic evidence kits added to the program in each county during the last 6 months.

(d) The number of sexual assault forensic evidence kits for which genetic marker analysis has been requested but not completed for each county.

(e) For this State as a whole and each county, the average and median time between a forensic medical examination and receipt of a sexual assault forensic evidence kit by a forensic laboratory for genetic marker analysis, overall and for the last 6 months.

(f) For this State as a whole and each county, the average and median time between receipt of a sexual assault forensic evidence kit by a forensic laboratory and genetic marker analysis, overall and for the last 6 months.

(g) The number of sexual assault forensic evidence kits in each county awaiting genetic marker analysis for more than 1 year and 6 months after forensic medical examination.

4. Each law enforcement agency, prosecutor, forensic laboratory and provider of health care who performs forensic medical examinations in this State shall participate in the statewide program to track sexual assault forensic evidence kits for the purpose of tracking the status of any sexual assault forensic evidence kits in the custody of the agency, prosecutor, laboratory or provider, or a third party under contract with such agency, prosecutor, laboratory or provider.

5. Any agency or person who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.

6. The department or division designated pursuant to subsection 1 may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of this section.

7. As used in this section, "Sexual Assault Kit Working Group" means the statewide working group led by the Office of the Attorney General to create policies and procedures to address the backlog of sexual assault forensic evidence kits that have not been tested.

Sec. 38. Section 28 of this act is hereby amended to read as follows:

Sec. 28. 1. Except as otherwise provided in this subsection, a law enforcement agency shall, upon written request by the survivor, furnish within 1 month, free, complete and unaltered copies of all reports of the law enforcement agency concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency. A law enforcement agency may, as appropriate, redact personal identifying information from any reports provided pursuant to this subsection. As used in this section, "personal identifying information" has the meaning ascribed to it in NRS 205.4617.

2. A prosecutor shall, upon written request of a survivor, provide certain information to the survivor pursuant to NRS 200.3784.

3. Each forensic laboratory shall submit the report concerning the status of sexual assault forensic evidence kits annually pursuant to NRS 200.3786.

4. The State shall establish a statewide program to track sexual assault forensic evidence kits pursuant to NRS 200.3788.

Sec. 39. Section 33 of this act is hereby amended to read as follows:

Sec. 33. 1. The Advisory Committee shall study practices that are nationally recognized and make recommendations regarding:

(a) Whether a need exists for additional sexual assault victims' advocates for survivors and, if such a need exists, the Advisory Committee shall, in conjunction with centers of support for victims of sexual assault, organizations for advocates of survivors and other relevant programs or organizations, create a plan for how the State can provide additional sexual assault victims' advocates to meet such a need, and determine the cost of such a plan.

(b) Whether the need exists to expand the right of a survivor to a sexual assault victims' advocate beyond the forensic medical examination and with a law enforcement official interview, and if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need.

(c) Whether a need exists to provide ongoing evaluation of the implementation of the rights of survivors pursuant to the Sexual Assault Survivors' Bill of Rights and, if such a need exists, the Advisory Committee shall:

(1) Identify the scope and nature of the need; and

(2) Make recommendations on how to best fill such a need, legislatively or otherwise.

(d) The effectiveness of the statewide program to track sexual assault forensic evidence kits pursuant to NRS 200.3788.

2. In fulfilling the duties prescribed by subsection 1, the Advisory Committee shall collect:

(a) Data regarding reporting of sexual assaults, arrests relating to sexual assaults, rates of prosecutions relating to sexual assaults, access to victims' services for survivors and any other relevant data necessary relating to sexual assaults for the deliberations and recommendations of the Advisory Committee and, if such data does not exist, the Advisory Committee shall encourage the creation and maintenance of such data; and

(b) Feedback from stakeholders, practitioners and leadership of state and local law enforcement agencies, victims' services, practitioners of forensic science and health care communities to inform the development of best practices for the future, or clinical guidelines regarding the care and treatment of survivors.

3. In undertaking the required duties of the Advisory Committee, the Advisory Committee may retain independent experts. Such experts may:

(a) Request files and records from any law enforcement official. The information obtained from such a request must be kept strictly confidential and reported only as aggregated or anonymized data.

(b) Conduct confidential interviews with law enforcement officials, medical providers, sexual assault victims' advocates and other such persons with direct knowledge of the response process for sexual assaults.

(c) Provide recommendations to the Advisory Committee.

4. On or before September 1 of each even-numbered year, the Advisory Committee shall:

(a) Produce a report that includes the results of the assessments, developments and recommendations pursuant to subsections 1 and 2.

(b) Submit the report prepared to paragraph (a) to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission.

Sec. 40. (Deleted by amendment.)

Sec. 40.5. 1. There is hereby appropriated from the State General Fund to the Office of the Attorney General for the purpose of awarding grants of money to organizations that will use the grants to recruit and train persons to serve as sexual assault victims' advocates the following sums:

For the Fiscal Year 2019-2020..... $150,000

For the Fiscal Year 2020-2021..... $150,000

2. The Office of the Attorney General may not use more than 10 percent of the money appropriated by subsection 1 to administer the grant program established by this section.

Sec. 41. (Deleted by amendment.)

Sec. 41.5. Any balance of the sums appropriated by section 40.5 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriations are made or any entity to which money from the appropriations is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose

after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 42. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 43. 1. This section and sections 40.5 and 41.5 of this act become effective on July 1, 2019.

2. Sections 1 to 36, inclusive, and 42 of this act become effective:

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

(b) On January 1, 2020, for all other purposes.

3. Sections 37, 38 and 39 of this act become effective on January 1, 2021.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 1085 to Assembly Bill No. 176 provides that an interviewer who has successfully completed training by the national Children's Alliance or a similarly accredited entity may exclude the attendant from the interview when the interviewer determines in good faith that the attendant's presence would be detrimental to the purpose of the interview.

Amendment adopted.

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

Assembly Bill No. 271.

Bill read second time.

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

Amendment No. 1086.

SUMMARY—Revises provisions relating to call centers. (BDR 53-900)

AN ACT relating to employment; requiring an employer who operates a call center to provide certain notice to the Labor Commissioner and affected employees before relocating the call center to a foreign country; providing that such an employer is ineligible to receive incentives for economic development from a state agency for a certain period of time with certain exceptions; authorizing the Labor Commissioner to impose certain penalties upon such employers for the failure to provide the required notice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 et. seq., requires certain employers to provide a notice containing certain information to employees and certain other entities at least 60 days before ordering a plant closing or a mass layoff. (29 U.S.C. § 2102) Section 6 of this bill requires an employer who relocates a call center or certain

operations of a call center to a foreign country to ~~[notify]~~ provide certain notice to the Labor Commissioner and the employees who will be displaced due to the relocation ~~[of the relocation and of the number of employees displaced due to the relocation]~~ not later than 90 days before the relocation. If the employer has received an incentive for economic development from a state agency within the immediately preceding 10 years, section 6 requires the employer to notify the Labor Commissioner and the affected employees of the relocation and the number of employees displaced due to the relocation. If the employer has not received an incentive for economic development within the immediately preceding 10 years, section 6 requires the employer to provide a notice to the Labor Commissioner and the affected employees that contains certain information set forth in the federal Worker Adjustment and Retraining Notification Act.

Under section 6, an employer who has received an incentive for economic development from a state agency within the immediately preceding 10 years and who has provided ~~[such]~~ the required notice is ineligible, for a period of 5 years, to receive an incentive for economic development from a state agency, including, without limitation, a grant, loan, tax credit or abatement. Section 6 authorizes the Labor Commissioner to waive the provision making an employer ineligible for incentives upon the request of a state agency that wishes to provide such an incentive in certain circumstances.

Section 7 of this bill requires the Labor Commissioner to: (1) impose certain civil penalties on an employer who fails to provide the notice required by section 6; or (2) require an employer who has received an incentive for economic development from a state agency within the immediately preceding 10 years and fails to provide the notice required by section 6 to conduct a study, at the expense of the employer, to determine the financial impact of the failure of the employer to provide the required notice and impose a civil penalty in an amount based on the results of that study.

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

Section 1. Chapter 613 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Call center" means a facility or other operation whereby workers receive telephone calls or other electronic communication for the purpose of providing customer service or related functions.*

Sec. 4. *"Employer" means a person in this State who, for the purpose of staffing a call center, employs 50 or more call center employees.*

Sec. 5. (Deleted by amendment.)

Sec. 6. *1. An employer who relocates a call center, or one or more facilities or operating units within a call center comprising at least 30 percent of the total operating volume of telephone calls or other electronic*

communications when measured against the average volume of those operations from the previous 12 months, from this State to a foreign country shall, not later than 90 days before such relocation ~~[,]~~ *:*

(a) If the employer has received any incentive from a state agency for economic development, including, without limitation, any grant, loan, tax credit or abatement within the 10 years immediately preceding the relocation, notify the Labor Commissioner and the employees who will be displaced due to the relocation of:

~~[(a)]~~ *(1) The relocation; and*

~~[(b)]~~ *(2) The number of employees who will be displaced due to the relocation* ~~[.]~~ *; or*

(b) If the employer is not an employer described in paragraph (a), provide to the Labor Commissioner and the employees who will be displaced due to the relocation a notice containing the information required to be included in the notice required pursuant to the federal Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 et. seq., and the regulations adopted pursuant thereto.

2. Except as otherwise provided in subsection 3, an employer who has provided the notice required by paragraph (a) of subsection 1 is ineligible to receive from a state agency any incentive for economic development, including, without limitation, any grant, loan, tax credit or abatement for a period of 5 years following the date upon which such notice was provided to the Labor Commissioner.

3. The Labor Commissioner may waive the provisions of subsection 2 for a state agency that wishes to provide an incentive for economic development to an employer who has provided the notice required by paragraph (a) of subsection 1 upon the request of the state agency if:

(a) The employer demonstrates to the satisfaction of the state agency that not being provided the incentive would cause job loss or an adverse impact on this State; and

(b) The state agency notifies the Labor Commissioner that the employer complied with paragraph (a) within 15 days after the state agency makes the determination of compliance.

Sec. 7. 1. If an employer fails to provide the notice required by paragraph (a) of subsection 1 of section 6 of this act, the Labor Commissioner shall:

~~[1.]~~ *(a) Impose against the employer a civil penalty not to exceed $5,000 for each day the employer fails to provide the notice; or*

~~[2.]~~ *(b) Require the employer to conduct a study, at the expense of the employer, to determine the financial impact of the failure of the employer to provide the required notice on the community surrounding the call center and impose against the employer a civil penalty in an amount based upon the results of the study.*

2. If an employer fails to provide the notice required by paragraph (b) of subsection 1 of section 6 of this act, the Labor Commissioner shall impose

against the employer a civil penalty of $5,000 and an additional civil penalty of $500 for each day the employer fails to provide the notice, up to a maximum of 30 days.

Sec. 8. (Deleted by amendment.)

Sec. 9. *The provisions of sections 2 to 10, inclusive, of this act must not be construed to authorize the withholding or denial of payments, compensation or benefits under any law of this State, including, without limitation, unemployment compensation, a disability benefit or a payment for the purposes of retraining or readjustment to an employee of an employer who relocates a call center to a foreign country.*

Sec. 10. *The Labor Commissioner may adopt such regulations as are necessary to carry out the provisions of sections 2 to 10, inclusive, of this act.*

Sec. 11. (Deleted by amendment.)

Sec. 12. This act becomes effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 1086 makes two changes to Assembly Bill No. 271. The amendment clarifies that an employer who operates a call center who has received an economic development incentive within the ten years prior to relocation and fails to provide the required notice shall receive a civil penalty not to exceed $5,000 for each day the employer fails to provide the notice or a civil penalty in an amount based upon the results of the required study. The amendment also provides that an employer who operates a call center who has not received any economic development incentive within the ten years prior to relocation and fails to provide the required notice containing the information set forth by the federal Worker Adjustment and Retraining Notification Act shall receive a civil penalty of $5,000 and $500 for each additional day up to 30 days.

Amendment adopted.

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

Assembly Bill No. 326

Bill read second time and ordered to third reading.

Assembly Bill No. 356.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1064.

SUMMARY—Revises provisions governing criminal procedure. (BDR 3-863)

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

Legislative Counsel's Digest:

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

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

Section 8 of this bill authorizes the court to appoint counsel for an indigent petitioner if the court grants a hearing on a petition filed pursuant to section 6, and section 9 of this bill requires the district attorney to make reasonable efforts to provide notice to any victim of the crime for which the petitioner was convicted that a petition has been filed if such a victim has indicated a desire to be notified regarding any postconviction proceedings.

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

Section 1. ~~[Title 3]~~ Chapter 34 of NRS is hereby amended by adding thereto ~~[a new chapter to consist of]~~ the provisions set forth as sections 2 to 9, inclusive, of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 5.7. Any claim of factual innocence that is made pursuant to sections 2 to 9, inclusive, of this act is separate from any state habeas claim that alleges a fundamental miscarriage of justice to excuse procedural or time limitations pursuant to NRS 34.726 or 34.810.

Sec. 6. *1. At any time after the expiration of the period during which a motion for a new trial based on newly discovered evidence may be made pursuant to NRS 176.515, a person who has been convicted of a felony may petition the district court in the county in which the person was convicted for*

a hearing to establish the factual innocence of the person based on newly discovered evidence. A person who files a petition pursuant to this subsection shall serve notice and a copy of the petition upon the district attorney of the county in which the conviction was obtained and the Attorney General.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) Has never been presented to a court.

5. Any second or subsequent petition filed by a person must be dismissed if the court determines that the petition fails to identify new or different evidence in support of the factual innocence claim or, if new and different grounds are alleged, the court finds that the failure of the petitioner to assert those grounds in a prior petition filed pursuant to this section constituted an abuse of the writ.

6. The court shall provide a written explanation of its order to dismiss or not to dismiss the petition based on the requirements set forth in subsections 2 and 3.

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

~~[6.]~~ 8. After a petition is filed pursuant to subsection 1, any prosecuting attorney, law enforcement agency or forensic laboratory that is in possession of any evidence that is the subject of the petition shall preserve such evidence and any information necessary to determine the sufficiency of the chain of custody of such evidence.

~~[7.]~~ 9. A petition filed pursuant to subsection 1 must include the underlying criminal case number.

~~[8.]~~ 10. Except as otherwise provided in sections 2 to 9, inclusive, of this act, the Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 1.

~~[9.]~~ 11. As used in this section:

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

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

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

Sec. 7. *1. If the court does not dismiss a petition after reviewing the petition in accordance with ~~[subsection 4 of]~~ section 6 of this act, the court shall order the district attorney or the Attorney General to file a response to the petition. The court's order must:*

(a) Specify which claims identified in the petition warrant a response from the district attorney or the Attorney General; and

(b) Specify which newly discovered evidence identified in the petition, if credible, might establish a bona fide issue of factual innocence.

2. The district attorney or the Attorney General shall, not later than 120 days after receipt of the court's order requiring a response, or within any additional period the court allows, respond to the petition and serve a copy upon the petitioner and , if the district attorney is responding to the petition, the Attorney General.

~~[2.]~~ *3. Not later than 30 days after the date the district attorney or the Attorney General responds to the petition, the petitioner may reply to the response. Not later than 30 days after the expiration of the period during which the petitioner may reply to the response, the court shall consider the petition, any response by the district attorney or the Attorney General and any reply by the petitioner. If the court determines that the petition meets the requirements of section 6 of this act and that there is a bona fide issue of factual innocence regarding the charges of which the petitioner was convicted, the court shall order a hearing on the petition. If the court does not make such a determination, the court shall enter an order denying the petition. For the purposes of this subsection, a bona fide issue of factual innocence does not exist if the petitioner is merely relitigating facts, issues or evidence presented in a previous proceeding or if the petitioner is unable to identify with sufficient specificity the nature and reliability of the newly discovered evidence that establishes the factual innocence of the petitioner. Unless stipulated to by the parties, the court may not grant a hearing on the petition during any period in which criminal proceedings in the matter are pending before any trial or appellate court.*

~~[3.]~~ *4. If the court grants a hearing on the petition, the hearing must be held and the final order must be entered not later than 150 days after the expiration of the period during which the petitioner may reply to the ~~[district attorney's]~~ response to the petition by the district attorney or the Attorney General pursuant to subsection ~~[2]~~ 3 unless the court determines that additional time is required for good cause shown.*

~~[4.]~~ *5. If the court grants a hearing on the petition, the court shall, upon the request of the petitioner, order the preservation of all material and relevant evidence in the possession or control of this State or any agent thereof during the pendency of the proceeding.*

~~[5.]~~ *6. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the court may affirm the factual innocence of the petitioner without holding a hearing. If the prosecuting attorney does not stipulate that the evidence establishes the factual innocence of the petitioner, a determination of factual innocence must not be made by the court without a hearing.*

~~[6.]~~ *7. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the prosecuting attorney makes a motion to dismiss*

the original charges against the petitioner or, after a hearing, the court determines that the petitioner has proven his or her factual innocence by clear and convincing evidence, the court shall:

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

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

~~*[7.]*~~ *8. The court shall provide a written explanation of its determination that the petitioner proved or failed to prove his or her factual innocence by clear and convincing evidence.*

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

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

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

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

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

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

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

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

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

179.285 Except as otherwise provided in NRS 179.301:

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

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to

an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

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

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

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

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

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

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

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

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

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

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

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of

such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

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

Sec. 15. This act becomes effective on July 1, 2019.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 1064 to Assembly Bill No. 356 adds a new section to chapter 34 of NRS titled "Post-Conviction Determination of Factual Innocence." It provides that claims of factual innocence are separate from State habeas claims that allege a miscarriage of justice to excuse procedural and time bars under existing statute; requires a court to provide a written explanation of a decision to dismiss or not dismiss a petition of factual innocence; requires if a court does not dismiss a petition, the court must order the District Attorney to file a response to the petition and specifies what the response must address, and requires that any second or successive petition must be dismissed if the court determines that the petition fails to identify new or different evidence in support of the factual innocence claim or if new and different grounds are alleged but the court finds that a previous failure to assert these grounds constitutes an abuse of the writ of *habeas corpus*. A court must provide a written explanation of its determination that a petitioner either proved or failed to prove factual innocence by clear and convincing evidence.

Amendment adopted.

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

Assembly Bill No. 445.

Bill read second time and ordered to third reading.

Assembly Bill No. 486.

Bill read second time and ordered to third reading.

Assembly Bill No. 530.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 171.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 171 requires the Office of Statewide Initiatives of the University of Nevada, Reno, School of Medicine, to develop and make available a data request to be administered to applicants to the following health-care licensing boards for the renewal of a license, certificate or registration: Board of Medical Examiners; Board of Dental Examiners; State Board of Nursing; State Board of Osteopathic Medicine; State Board of Pharmacy; State Board of Psychological Examiners; Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, and the Board of Examiners for Social Workers. The renewal of a license or registration is not dependent upon a response to the data request.

Additionally, sections 10 through 17, which establish the data to be collected and create the Health Care Workforce Working Group and define its roles and responsibilities, and section 23 are effective upon passage and approval. Sections 18 through 22 require the State Board of Health to adopt regulations for the reporting and analysis of certain biological markers or indicators of

certain chronic diseases by medical laboratories not operated by a hospital. Sections 1 to 9 which pertain to the covered professional licensing boards and sections 18 to 22, which relate to the adoption of regulations by the State Board of Health requiring the reporting and analysis of certain biological markers or indicators of certain chronic diseases by medical laboratories not operated by a hospital, are effective upon passage and approval for adopting regulations and other preparatory administrative tasks, and October 1, 2019, for all other purposes.

Roll call on Senate Bill No. 171:

YEAS—21.

NAYS—None.

Senate Bill No. 171 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Madam President:

The Conference Committee concerning Senate Bill No. 463, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 765 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

Conference Amendment No. 1.

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.

DAVID PARKS	EDGAR FLORES
DALLAS HARRIS	WILLIAM MCCURDY
BEN KIECKHEFER	MELISSA HARDY
Senate Conference Committee	*Assembly Conference Committee*

Senator Parks moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 463.

Remarks by Senator Parks.

The Conference Committee Report concurs in Senate Amendment No. 765 and further amends the bill to add health districts to the prevision of this bill.

Motion carried by a constitutional majority.

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

Motion carried.

Senate in recess at 2:38 p.m.

SENATE IN SESSION

At 7:48 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were referred Assembly Bills Nos. 500, 501, 502, 503, 505, 506, 507, 508, 509, 510, 511, 512, 513, 515, 517, 518, 519, 520, 522, 523, 541, 542, 543, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which was re-referred Assembly Bill No. 345, 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 was referred Senate Bill No. 65, 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 were re-referred Senate Bills Nos. 44, 93, 245, 275, 289, 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 were referred Senate Bill No. 557; Assembly Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JAMES OHRENSCHALL, *Chair*

Madam President:

Your Committee on Revenue and Economic Development, to which were referred Assembly Bills Nos. 326, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 467 be taken from the Secretary's desk and placed on the General File on the fourth Agenda.

Motion carried.

Senator Ratti moved that Assembly Bill No. 361 be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

Senator Ratti moved to consider Assembly Bill No. 345 on the General File's fourth Agenda as the Senate's next order of business.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 345.

Bill read third time.

Remarks by Senators Ohrenschall and Seevers Gansert.

SENATOR OHRENSCHALL:

Assembly Bill No. 345 revises provisions related to elections including voter registration, voting, absentee ballots, polling places and the use of technology in election activities. The bill allows any person in a county who is entitled to vote by personal appearance to do so on election day at any vote center established by that county's clerk or registrar. After voter registration deadlines, an eligible person who registers by computer may vote in person at a polling place during early voting or on election day. Same day voter registration is also authorized during the early-voting period as well as on election day. The bill provides that an elector who registers and votes on the same day will deemed to be conditionally registered and must cast a provisional ballot which must include all offices, candidates and measures on that ballot. Provisions to implement automatic voter registration include a process to require the county clerk to receive the transmittal form and determine the individual's eligibility.

The bill requires that on election day, voting must continue until all persons waiting in line when the polls are scheduled to close have been allowed to vote or be allowed to register to vote. In addition, the bill allows a county clerk to extend hours for early voting after those hours have been published. Assembly Bill No. 345 also provides an absentee ballot will be counted if it is postmarked on or before election day and is received by the county clerk within seven days after the election. Requests for an absentee ballot must be received no later than 14 days prior to an election. The bill requires the Secretary of State to establish a system for online voter registration in compliance with the Automatic Voter Registration Initiative. The Department of Motor Vehicles (DMV) must ensure it has a database capable of processing online voter registration information.

The bill appropriates approximately $3.34 million to certain counties for the purpose of implementing the various provisions of Assembly Bill No. 345. Also appropriated is $125,700 from the State General Fund to the DMV for computer programming for the online voter registration system and $11,300 for secured containers to store voter registration forms. The

measure also appropriates, from the State General Fund to the Secretary of State, $550,000 over the 2019-2021 Biennium for development of online voter registration systems.

The bill makes conforming changes to city elections as they relate to voter registration, absentee ballots and similar provisions affecting county elections. Finally, the bill specifies that State laws governing elections supersede and preempt conflicting provisions of city charters.

In the Senate Committee on Legislative Operations and Elections, there was testimony from county clerks that as of the last county election, from the cut off for registration through election day, there were over 10,000 Nevadans who submitted applications to vote. Because of that deadline, they were not able to vote in that election. Assembly Bill No. 345 will make sure an artificial barrier such as that no longer prohibits any of our constituents from participating in democracy. I urge its passage.

SENATOR SEEVERS GANSERT:

We all agree we want as many people as possible to vote in our elections. During testimony on Assembly Bill No. 345, we learned Nevada has a bottom-up system. This means each county has its own software system, and these are not connected. If someone moves from one county to another, we cannot recognize if they were previously registered. We heard testimony that during the last election, a number of offices were won or lost by as little as 7,000 votes. Because of the bottom-up system, we will be looking at the use of provisional ballots. These ballots are a good idea in this case, but this may make us one of those states that cannot settle an election quickly. We may not know who a winner is for ten days to two weeks after an election, and this is problematic. If we want to implement a system, ensure we maintain the integrity of our system and identify where voters are registered, it would be better to fund a top-down system. This would mean we do not have to worry about synchronizing things at night, and we can do everything instantaneously. Testimony said this type of software system would take two years to put into place. It is worth spending the time and money to make sure we maintain the integrity of our elections, especially because we have close races. Our citizens will be dissatisfied if we have close races and are unable to declare a winner for as long as ten days or two weeks.

Roll call on Assembly Bill No. 345:

YEAS—13.

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

Assembly Bill No. 345 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

YVANNA D. CANCELA, *Vice Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 19.

Bill read second time and ordered to third reading.

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

Assembly Bill No. 483.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 16, 82, 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, June 2, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bill No. 555.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 6.

Resolution read.

Senator Cancela moved the adoption of the resolution.

Remarks by Senator Cancela.

Assembly Concurrent Resolution No. 6 directs the Legislative Commission to create an interim committee to study the working conditions at licensed brothels.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 7.

Resolution read.

Senator Cancela moved the adoption of the resolution.

Remarks by Senator Cancela.

Assembly Concurrent Resolution No. 7 directs the Legislative Commission to appoint a committee to conduct an interim study of issues relating to driving under the influence of marijuana.

Conflict of interest declared by Senator Ohrenschall.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Senate Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1041.

SUMMARY—Makes ~~[an appropriation]~~ appropriations to the Department of Motor Vehicles for ~~[the creation and maintenance of branch offices in]~~ providing certain services to the City of West Wendover and the City of Caliente. (BDR S-444)

AN ACT making ~~[an appropriation]~~ appropriations from the State Highway Fund to the Department of Motor Vehicles for ~~[the creation and maintenance of branch offices in]~~ providing certain services to the City of West Wendover and the City of Caliente; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for the ~~[creation and maintenance of a branch office of the Department within or near]~~ travel, equipment and operating expenses of a mobile traveling team to perform driver's license and identification card services in the City of West Wendover the following sums:

For the Fiscal Year 2019-2020.....~~[$330,000]~~ $41,118

For the Fiscal Year 2020-2021.....~~[$330,000]~~ $28,895

2. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for the ~~[creation and maintenance of a branch office of the Department within or near]~~ travel, equipment and operating expenses of a mobile traveling team to perform driver's license and identification card services in the City of Caliente the following sums:

For the Fiscal Year 2019-2020.....[$330,000] $41,215

For the Fiscal Year 2020-2021.....[$330,000] $29,188

~~[Sec. 2.]~~

3. Any balance of the sums appropriated by ~~[section 1 of this act]~~ subsections 1 and 2 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 te appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 2. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $12,437 for the costs of creating an electronic connection between the Department and the City Hall in the City of West Wendover to provide vehicle registration services in the City of West Wendover.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2020, 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, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 18, 2020.

Sec. 3. The appropriations made by the provisions of this act are not intended to finance ongoing expenditures of state agencies, and the expenditures financed with those appropriations must be included as base

budget expenditures in the proposed budget for the Executive Branch of State Government for the 2021-2023 biennium.

Sec. 4. This act becomes effective upon passage and approval for the purposes of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2019, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1041 to Senate Bill No. 65 makes various changes to the bill, including elimination of Highway Fund appropriations of $660,000 in each year of the 2019-2021 Biennium to create and maintain DMV branch offices in the City of Caliente and the City of West Wendover; addition of Highway Fund appropriations of $82,333 in Fiscal Year 2020 and $58,083 in Fiscal Year 2021 to the Department to fund travel and operating expenses for Department mobile traveling teams to provide driver license and identification services, and addition of Highway Fund appropriations of $12,437 in Fiscal Year 2020 to the Department for the creation of an electronic connection between the City of West Wendover's City Hall and the Department to allow vehicle registration services to be performed by the city.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 557.

Bill read second time and ordered to third reading.

Assembly Bill No. 326.

Bill read second time and ordered to third reading.

Assembly Bill No. 445.

Bill read second time and ordered to third reading.

Assembly Bill No. 452.

Bill read second time and ordered to third reading.

Assembly Bill No. 500.

Bill read second time and ordered to third reading.

Assembly Bill No. 501.

Bill read second time and ordered to third reading.

Assembly Bill No. 502.

Bill read second time and ordered to third reading.

Assembly Bill No. 503.

Bill read second time and ordered to third reading.

Assembly Bill No. 505.

Bill read second time and ordered to third reading.

Assembly Bill No. 506.

Bill read second time and ordered to third reading.

Assembly Bill No. 507.
Bill read second time and ordered to third reading.

Assembly Bill No. 508.
Bill read second time and ordered to third reading.

Assembly Bill No. 509.
Bill read second time and ordered to third reading.

Assembly Bill No. 510.
Bill read second time and ordered to third reading.

Assembly Bill No. 511.
Bill read second time and ordered to third reading.

Assembly Bill No. 512.
Bill read second time and ordered to third reading.

Assembly Bill No. 513.
Bill read second time and ordered to third reading.

Assembly Bill No. 515.
Bill read second time and ordered to third reading.

Assembly Bill No. 517.
Bill read second time and ordered to third reading.

Assembly Bill No. 518.
Bill read second time and ordered to third reading.

Assembly Bill No. 519.
Bill read second time and ordered to third reading.

Assembly Bill No. 520.
Bill read second time and ordered to third reading.

Assembly Bill No. 522.
Bill read second time and ordered to third reading.

Assembly Bill No. 523.
Bill read second time and ordered to third reading.

Assembly Bill No. 541.
Bill read second time and ordered to third reading.

Assembly Bill No. 542.
Bill read second time and ordered to third reading.

Assembly Bill No. 543.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 44.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1093.

SUMMARY—Revises provisions of the Uniform Unclaimed Property Act. (BDR 10-480)

AN ACT relating to unclaimed property; adopting provisions of the 2016 Revised Uniform Unclaimed Property Act; providing penalties for making fraudulent claims; permitting interagency information sharing under certain conditions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises Nevada's Uniform Unclaimed Property Act to reflect changes adopted by the Uniform Law Commission in the 2016 Revised Uniform Unclaimed Property Act (RUUPA). (Chapter 120A of NRS) Section 4 of this bill permits the Administrator of Unclaimed Property to enter into interagency agreements to protect confidential information shared with other agencies and to otherwise help locate apparent owners of abandoned property. Sections 5 and 6 of this bill provide penalties relating to fraudulent claims for unclaimed property. Sections 2 and 3 of this bill add the definitions of "payroll card" and "stored-value card," respectively. Section 8 of this bill expands the definition of "holder." Section 9 of this bill revises the definition of "money order." Section 10 of this bill expands and revises the definition of "property." Section 11 of this bill revises the method for determining whether certain property is abandoned. Section 12 of this bill: (1) permits the holder of property that is presumed to be abandoned to contract with a third party to file reports with the Administrator but does not relieve the holder from liability for proper reporting, transfer of the property and any penalties, interest and fees under the law; and (2) revises requirements governing the reports and payments which must be provided to the Administrator. ~~[Section 13 of this bill revises provisions governing the disposition of money in the Abandoned Property Trust Account to the Millennium Scholarship Trust Fund under certain circumstances.]~~ Section 14 of this bill provides that property held by the Administrator is subject to claims for certain debts, including, without limitation, child support, civil and criminal fines or penalties imposed by an administrative agency or court, and state and local taxes, penalties and interest. Section 15 of this bill provides a penalty for failing to properly file a report of abandoned property and properly make payments through the State business portal. Section 16 of this bill provides that ~~[sections 1-12 and 14-16 of this bill become]~~ this bill becomes effective on July 1, 2019 . ~~[, and section 13 becomes effective on July 1, 2022.]~~

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

Section 1. Chapter 120A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Payroll card" means a record that evidences a payroll card account, as defined in Regulation E, 12 C.F.R. Part 1005, as amended, adopted pursuant to the federal Electronic Fund Transfer Act, as amended, 15 U.S.C. §§ 1693 et seq.*

Sec. 3. *1. "Stored-value card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services or money will be provided to the owner of record to the value or amount shown in the record.*

2. The term includes:

(a) A record that contains or consists of a microprocessor chip, magnetic strip or other means for the storage of information which is prefunded and whose value or amount is decreased on each use and increased by payment of additional consideration; and

(b) A payroll card.

3. The term does not include a loyalty card or game-related digital content.

Sec. 4. *1. In order to facilitate the return of property under this chapter, the Administrator may enter into cooperative agreements with an agency from this State concerning the protection of shared confidential information, rules for data matching and other issues. Upon the execution of such an agreement, the Administrator may provide to the agency with which the Administrator has entered the cooperative agreement information regarding the apparent owners of unclaimed or abandoned property pursuant to this chapter, including, without limitation, the name and social security number of the apparent owner. An agency that has entered into a cooperative agreement with the Administrator pursuant to this section shall notify the Administrator of the last known address of each apparent owner for which information was provided to the agency pursuant to this section, except as prohibited by federal law.*

2. The Administrator may adopt regulations to facilitate delivery of property or pay the amount owing to an apparent owner matched under this section without filing a claim. Such regulations must set forth the conditions for such payment.

Sec. 5. *Any person who knowingly makes a fraudulent claim from the Administrator on the property of another with the intent to deprive that person of the property shall be punished:*

1. Where the value of the property involved is $650 or more, for a category C felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value of the property is less than $650, for a misdemeanor.

Sec. 6. *A person is guilty of a misdemeanor:*

1. If the person knowingly makes or causes to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with the intent that it be relied upon, respecting the right to claim property or money held by the Administrator, for the purpose of procuring the delivery of

such property or money, for the benefit of either himself or herself or of another person; or

2. If the person, knowing that a false statement in writing has been made respecting the right to claim property held by the Administrator, procures upon the faith thereof, the delivery of such property or money for the benefit of either himself or herself or of another person.

Sec. 7. NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.120, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 8. NRS 120A.080 is hereby amended to read as follows:

120A.080 "Holder" means a person *or business* obligated *, or assumed to be obligated,* to hold for the account of, or deliver or pay to, the owner property that is subject to this chapter.

Sec. 9. NRS 120A.098 is hereby amended to read as follows:

120A.098 "Money order" *means an order for payment of a specified amount of money. The term* includes an express money order and a personal money order, on which the remitter is the purchaser. The term does not include a bank money order or any other instrument sold by a financial organization if the seller has obtained the name and address of the payee.

Sec. 10. NRS 120A.113 is hereby amended to read as follows:

120A.113 *1.* "Property" means tangible property described in NRS 120A.510 or a fixed and certain interest in intangible property that is held, issued or owed in the course of a holder's business or by a government, governmental subdivision, agency or instrumentality . ~~[, and all income or increments therefrom.]~~

2. The term includes, without limitation ~~[, property]~~ *:*

(a) All income from or increments to the property.

(b) Property that is referred to as or evidenced by:

~~[1. Money or a check, draft, deposit, interest or dividend;~~

~~2.]~~ *(1) Money, virtual currency or interest, or a payroll card, dividend, check, draft or deposit;*

(2) A credit balance, customer's overpayment, *stored-value card,* security deposit, refund, credit memorandum, unpaid wage, *unused ticket for which the issuer has an obligation to provide a refund,* mineral proceeds or unidentified remittance;

~~[3. Stock or other evidence of ownership of an interest in a business association or financial organization;~~

~~4.]~~ *(3) A security, except for a security that is subject to a lien, legal hold or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold or restriction restricts the holder's or owner's ability to receive, transfer, sell or otherwise negotiate the security;*

(4) A bond, debenture, note or other evidence of indebtedness;

~~[5.]~~ *(5)* Money deposited to redeem ~~[stocks, bonds, coupons or other securities or to make distributions;~~

~~6.]~~ *a security, make a distribution or pay a dividend;*

(6) An amount due and payable under the terms of an annuity or insurance policy *;* ~~[, including policies providing life insurance, property and casualty insurance, workers' compensation insurance or health and disability insurance;]~~ and

~~[7.]~~ *(7)* An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance or similar benefits.

3. The term does not include:

(a) Property held in an ABLE account described in section 529A of the Internal Revenue Code, 26 U.S.C. § 529A;

(b) Game-related digital content; or

(c) A loyalty card.

Sec. 11. NRS 120A.500 is hereby amended to read as follows:

120A.500 1. Except as otherwise provided in subsections 6 and 7, property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(a) A traveler's check, 15 years after issuance;

(b) A money order, 7 years after issuance;

(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to 104.8511, inclusive, 3 years after the earlier of the date of the most recent dividend, stock split or other distribution unclaimed by the apparent owner, or the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or after the holder discontinued mailings, notifications or communications to the apparent owner;

(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;

(e) A demand, savings or time deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

(f) Except as otherwise provided in NRS 120A.520, any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

(g) Any amount owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, 3 years after the obligation to pay

arose ~~[or, in the case of a policy or annuity payable upon proof of death, 3 years after the]~~ *under the terms of the policy or contract or, if a policy or contract for which payment is owed on proof of death has not matured by proof of death of the insured or annuitant:*

(1) With respect to an amount owed for a life or endowment insurance policy, 3 years after the earlier of the date:

(I) The insurance company has knowledge of the death of the insured; or

(II) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based; *and*

(2) With respect to an amount owed on an annuity contract, 3 years after the date the insurance company has knowledge of the death of the annuitant;

(h) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;

(i) Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

(j) Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;

(k) Any wages or other compensation for personal services, 1 year after the compensation becomes payable;

(l) A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

(m) Any property in an individual retirement account, defined benefit plan or other account or plan that is qualified for tax deferral under the income tax laws of the United States, 3 years after the ~~[earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty; and]~~ *later of:*

(1) The date determined as follows:

(I) Except as otherwise provided in sub-subparagraph (II), the date a second consecutive communication sent by the holder by first-class United States mail to the apparent owner is returned to the holder undelivered by the United States Postal Service; or

(II) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service; or

(2) The earlier of the following dates:

(I) The date the apparent owner becomes 70.5 years of age, if determinable by the holder; or

(II) If the Internal Revenue Code requires distribution to avoid a tax penalty, 2 years after the date the holder receives, in the ordinary course of business, confirmation of the death of the apparent owner;

(n) *An account of funds established to meet the costs of burial, 3 years after the earlier of:*

(1) The date of death of the beneficiary; or

(2) If the holder does not know whether the beneficiary is deceased, the date the beneficiary has attained, or would have attained if living, the age of 105 years; and

(o) All other property, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

3. Property is unclaimed if, for the applicable period set forth in subsection 1 or 7, as applicable, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

4. An indication of an owner's interest in property includes:

(a) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

(b) Owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease or change the amount or type of property held in the account;

(c) The making of a deposit to or withdrawal from a bank account; and

(d) The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.

5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:

(a) An account or asset managed through a guardianship;

(b) An account blocked at the direction of a court;

(c) A trust account established to address a special need;

(d) A qualified income trust account;

(e) A trust account established for tuition purposes; *and*

(f) A trust account established on behalf of a client . ~~[; and~~

~~(g) An account or fund established to meet the costs of burial.]~~

7. For property described in paragraphs (c) to (f), inclusive, and ~~[(n)]~~ *(o)* of subsection 1, the 3-year period described in each of those paragraphs must be reduced to a 2-year period if the holder of the property reported more than $10 million in property presumed abandoned on the holder's most recent report of abandoned property made pursuant to NRS 120A.560.

Sec. 12. NRS 120A.560 is hereby amended to read as follows:

120A.560 1. A holder of property presumed abandoned shall make a report to the Administrator concerning the property.

2. *A holder may contract with a third party, including, without limitation, a transfer agent, to make the report required by subsection 1.*

3. Whether or not a holder contracts with a third party pursuant to subsection 2, the holder is responsible:

(a) To the Administrator for the complete, accurate and timely reporting of property presumed abandoned;

(b) For paying or delivering to the Administrator the property described in the report; and

(c) For any penalties, interest and fees due pursuant to NRS 120A.730.

4. The report must ~~[be verified and must]~~ contain:

(a) A description of the property;

(b) Except with respect to a traveler's check or money order, the name, if known, and last known address, if any, and the social security number or taxpayer identification number, if readily ascertainable, of the apparent owner of property *;* ~~[of the value of $50 or more;]~~

(c) In the case of an amount ~~[of $50 or more]~~ held or owing under an annuity or a life or endowment insurance policy, the full name and last known address of the annuitant or insured and of the beneficiary;

(d) In the case of property held in a safe-deposit box or other safekeeping depository, an indication of the ~~[place where it is held]~~ *location of the property* and where it may be inspected by the Administrator and any amounts owing to the holder;

(e) The date ~~[, if any, on which the property became payable, demandable or returnable and the date of the last transaction with the apparent owner with respect to the property;]~~ *identified in subsection 1 of NRS 120A.500 from which the length of time required in subsection 1 or 7 of NRS 120A.500 must be measured to determine whether the property is presumed abandoned pursuant*

to NRS 120A.500 or, if the property is a gift certificate, the date identified in subsection 1 of NRS 120A.520, as applicable; and

(f) Other information that the Administrator by regulation prescribes as necessary for the administration of this chapter.

~~[3.]~~ *5.* If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

~~[4. The]~~

6. Except as otherwise provided in subsection 7, the report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year . ~~[, but a]~~

7. A report with respect to an insurance company must be filed before May 1 of each year for the *immediately preceding* calendar year . ~~[next preceding.~~

~~5.]~~ *8.* The holder of property presumed abandoned shall send written notice to the apparent owner, not more than 120 days or less than 60 days before filing the report, stating that the holder is in possession of property subject to this chapter ~~[,]~~ if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be ~~[inaccurate;]~~ *invalid and is sufficient to direct delivery of first-class United States mail to the apparent owner; and*

(b) ~~[The claim of the apparent owner is not barred by a statute of limitations; and~~

~~(c)]~~ The value of the property is $50 or more.

➥ *If a holder is required to send written notice to the apparent owner pursuant to this subsection and the apparent owner has consented to receive delivery from the holder by electronic mail, as defined in NRS 41.715, the holder shall send the notice by first-class United States mail to the apparent owner's last known mailing address, as described in paragraph (a), and by electronic mail, unless the holder believes the apparent owner's electronic mail address is invalid.*

~~[6.]~~ *9.* Before the date for filing the report, the holder of property presumed abandoned may request the Administrator to extend the time for filing the report. The Administrator may grant the extension for good cause. The holder, upon receipt of the extension, may make an interim payment on the amount the holder estimates will ultimately be due, which terminates the accrual of additional interest on the amount paid.

~~[7.]~~ *10.* The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection ~~[5.]~~ *8.*

~~[8. The Administrator may require the report to be filed electronically in the manner determined by the Administrator.]~~

11. Except as otherwise provided in subsection 12, the holder of property presumed abandoned shall, through a business portal established by the

Administrator, electronically file the report and make the payment of the total amount due.

12. The Administrator may waive the requirement to file the report and make the payment electronically for good cause shown by the holder. The holder must request the waiver on or before the deadline established by the Administrator.

Sec. 13. ~~[NRS 120A.620 is hereby amended to read as follows:~~

~~120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.~~

~~2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.~~

~~3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.~~

~~4. The Administrator may pay from money available in the Account:~~

~~(a) Any costs in connection with the sale of abandoned property.~~

~~(b) Any costs of mailing and publication in connection with any abandoned property.~~

~~(c) Reasonable service charges.~~

~~(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.~~

~~(e) Any valid claims filed pursuant to this chapter.~~

~~5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:~~

~~(a) The first $7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.~~

~~(b) The remainder must be transferred to the [State General Fund,]~~ *~~Millennium Scholarship Trust Fund created by NRS 396.926, unless the Office of the State Treasurer determines that the Millennium Scholarship Trust Fund is self sustaining, in which case the remainder must be transferred to the State General Fund~~*~~, but~~ *~~any remainder~~* ~~remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640. No such claim may be satisfied from money [in]~~ *~~transferred to~~* ~~the Millennium Scholarship Trust Fund [.]~~ *~~pursuant to paragraph (a).~~*

~~6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.~~

~~*7. As used in this section, "self-sustaining" means:*~~

~~*(a) In the immediately preceding 3 fiscal years, the earnings of the Millennium Scholarship Trust Fund have been greater than its expenses; and*~~

~~*(b) The investment earnings of the Millennium Scholarship Trust Fund are greater than the projected expenses of the Fund, as determined by the Office of the State Treasurer. Such a determination may consider any relevant factor, including, without limitation, the projected tuition and number of students of the Nevada System of Higher Education for the upcoming 2 fiscal years.]*~~
(Deleted by amendment.)

Sec. 14. NRS 120A.640 is hereby amended to read as follows:

120A.640 1. A person, excluding another state, claiming property paid or delivered to the Administrator may file a claim on a form prescribed by the Administrator and verified by the claimant.

2. Within 90 days after a claim is filed, the Administrator shall allow or deny the claim and give written notice of the decision to the claimant. If the claim is denied, the Administrator shall inform the claimant of the reasons for the denial and specify what additional evidence is required before the claim will be allowed. The claimant may then file a new claim with the Administrator or maintain an action under NRS 120A.650.

3. Except as otherwise provided in subsection 5, within 30 days after a claim is allowed, the property or the net proceeds of a sale of the property must be delivered or paid by the Administrator to the claimant, together with any dividend, interest or other increment to which the claimant is entitled under NRS 120A.600 and 120A.610.

4. A holder who pays the owner for property that has been delivered to the State and which, if claimed from the Administrator by the owner would be subject to an increment under NRS 120A.600 and 120A.610 may recover from the Administrator the amount of the increment.

5. The Administrator may require a person with a claim in excess of $2,000 to furnish a bond and indemnify the State against any loss resulting from the approval of such claim if the claim is based upon an original instrument, including, without limitation, a certified check or a stock certificate or other proof of ownership of securities, which cannot be furnished by the person with the claim.

6. Property held under this chapter by the Administrator is subject to a claim for the payment of a debt which the Administrator determines to be enforceable and which the owner owes in this State for:

(a) Support of a child, including, without limitation, any related collection costs and any amounts which may be combined with maintenance for a former spouse;

(b) A civil or criminal fine or penalty, court costs or a surcharge or restitution imposed by a final order of an administrative agency or a final judgment of a court; or

(c) A state or local tax, and any related penalty and interest.

Sec. 15. NRS 120A.730 is hereby amended to read as follows:

120A.730 1. A holder who fails to report, pay or deliver property within the time prescribed by this chapter shall pay to the Administrator interest at the rate of 18 percent per annum on the property or value thereof from the date the property should have been reported, paid or delivered.

2. Except as otherwise provided in subsection 3, a holder who fails to report, pay or deliver property within the time prescribed by this chapter or fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $200 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $5,000.

3. A holder who willfully fails to report, pay or deliver property within the time prescribed by this chapter or willfully fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

4. A holder who makes a fraudulent report shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day from the date a report under this chapter was due, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

5. The Administrator for good cause may waive, in whole or in part, interest under subsection 1 and penalties under subsections 2 and 3, and shall waive penalties if the holder acted in good faith and without negligence.

6. A holder who fails to make a payment as required by subsections 11 and 12 of NRS 120A.560 must be assessed by the Administrator a fee for each such payment in an amount equal to the greater of $50 or 2 percent of the amount of the payment.

Sec. 16. ~~[1.]~~ This ~~[section and sections 1-12, inclusive, 14 and 15 of this]~~ act ~~[become]~~ becomes effective on July 1, 2019.

~~[2. Section 13 of this act becomes effective on July 1, 2022.]~~

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senators Woodhouse and Settelmeyer.

SENATOR WOODHOUSE:

Amendment No. 1093 revises Senate Bill No. 44 to eliminate the transfer of the entire balance of the Unclaimed Property Trust Account to the Governor Guinn Millennium Scholarship Trust Fund. Instead, the amendment restores the current statutory requirement to transfer only the first $7.6 million of the available balance by the end of each fiscal year to the Millennium Scholarship Trust Fund with the balance continuing to be transferred to the State General Fund. It eliminates various proposed implementation changes.

SENATOR SETTELMEYER:

I opposed the amendment to Senate Bill No. 44, in Committee, and I am going to oppose it here as well. I liked the idea of the original bill that sought to shore-up the Millennium Scholarship

with the Unclaimed Property Trust. The amendment takes it back to the way it was. I object to that versus shoring it up for students in the next generation.

Amendment adopted.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 44 revises Nevada's Uniform Unclaimed Property Act to reflect changes adopted by the Uniform Law Commission in the 2016 Revised Uniform Unclaimed Property Act. Senate Bill No. 44 makes other changes including: establishes definitions of a "payroll card" and a "stored-value card" and revises the definition of a "money order" as well as "property"; revises the method for determining whether certain property is considered to be abandoned; permits the Administrator of Unclaimed Property to enter into interagency agreements to protect confidential information shared with other agencies and to otherwise help locate apparent owners of abandoned property; that property held by the Administrator is subject to claims for certain debts, including, without limitation, child support, civil and criminal fines or penalties imposed by an administrative agency or court, and state and local taxes, penalties and interest; provides a penalty for failing to properly file a report of abandoned property and properly make payments through the State's business portal; permits the holder of property that is presumed to be abandoned to contract with a third party to file reports with the Administrator but does not relieve the holder from liability for proper reporting, transfer of the property and any penalties, interest and fees under the law, and revises requirements governing the reports and payments which must be provided to the Administrator.

Roll call on Senate Bill No. 44:

YEAS—17.

NAYS—Goicoechea, Hammond, Hansen, Settelmeyer—4.

Senate Bill No. 44 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1095.

SUMMARY—Revises provisions relating to the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired. (BDR 38-449)

AN ACT relating to persons with disabilities; transferring the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired from the Office of the Governor to the Aging and Disability Services Division of the Department of Health and Human Services; revising the name and membership of the ~~[Nevada]~~ Commission ; ~~[for Persons Who Are Deaf, Hard of Hearing or Speech Impaired;]~~ making the Executive Director of the Commission a full-time, paid position; ~~[making an appropriation for certain costs of the Commission;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired within the Office of the Governor. The Commission consists of persons with knowledge of issues relating to

communications disabilities who are appointed by the Governor. The Commission is required to: (1) advise state and local governmental entities concerning programs for persons with communications disabilities and compliance with laws and regulations concerning such persons; and (2) provide information to such persons concerning services and resources that promote equality for such persons. The Commission is authorized to perform certain other duties relating to such persons. (NRS 427A.750) Section 1 of this bill transfers the Commission from the Office of the Governor to the Aging and Disability Services Division of the Department of Health and Human Services. Sections 1 and 2 of this bill change the name of the Commission to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing. Section 2 also revises the membership of the Commission.

Existing law requires the Governor to appoint the Director of the Commission, who serves without compensation and performs such duties as are directed by the Commission. (NRS 427A.752) Section 3 of this bill ~~[instead]~~ : (1) changes the title of this position to Executive Director; (2) requires the Administrator of the Aging and Disability Services Division of the Department of Health and Human Services to appoint the Executive Director; and (3) makes the Executive Director a full-time, paid position ~~[.]~~ in the unclassified service. Section 4 of this bill requires the compensation and other expenses of the Executive Director to be paid from the surcharge imposed on the access lines of telephone customers. ~~[Section 5 of this bill makes an appropriation of $50,000 from the State General Fund to the Commission in each fiscal year of the biennium to pay for per diem, travel and administrative costs of the Commission.]~~

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

Section 1. NRS 427A.740 is hereby amended to read as follows:

427A.740 As used in this section and NRS 427A.750 and 427A.752, unless the context otherwise requires, "Commission" means the Nevada Commission for Persons Who Are Deaf ~~[,]~~ *and* Hard of Hearing ~~[or Speech Impaired]~~ created by NRS 427A.750.

Sec. 2. NRS 427A.750 is hereby amended to read as follows:

427A.750 1. The Nevada Commission for Persons Who Are Deaf ~~[,]~~ *and* Hard of Hearing ~~[or Speech Impaired]~~ is hereby created within the ~~[Office of the Governor.]~~ *Division.* The Commission consists of ~~[nine]~~ *11* members appointed by the Governor. The Governor shall consider recommendations made by the Nevada Commission on Services for Persons with Disabilities and appoint to the Nevada Commission for Persons Who Are Deaf ~~[,]~~ *and* Hard of Hearing *:* ~~[or Speech Impaired:]~~

(a) One nonvoting member who is employed by the State and who participates in the administration of the programs of this State that provide services to persons who are deaf, hard of hearing or speech impaired;

(b) One member who is a member of the Nevada Association of the Deaf, or, if it ceases to exist, one member who represents an organization which has a membership of persons who are deaf, hard of hearing or speech-impaired;

(c) One member who has experience with and knowledge of services for persons who are deaf, hard of hearing or speech-impaired;

(d) One nonvoting member who is the Executive Director of the Nevada Telecommunications Association or, in the event of its dissolution, who represents the telecommunications industry;

(e) ~~[Three members]~~ *One member* who ~~[are users]~~ *is a user* of telecommunications relay services or the services of persons engaged in the practice of interpreting or the practice of realtime captioning;

(f) One member who is a parent of a child who is deaf, hard of hearing or speech-impaired; ~~[and]~~

(g) One member who represents educators in this State and has knowledge concerning the provision of communication services to persons who are deaf, hard of hearing or speech impaired in elementary, secondary and postsecondary schools and the laws concerning the provision of those services ~~[.]~~ *;*

(h) One member who represents an advocacy organization whose membership consists of persons who are deaf, hard of hearing or speech-impaired;

(i) One member who is deaf or hard of hearing;

(j) One member who specializes in issues relating to the employment of persons with disabilities; and

(k) One member who is the parent or guardian of a child who is less than 6 years of age and is deaf or hard of hearing.

2. After the initial term, the term of each member is 3 years. A member may be reappointed.

3. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

4. The Commission shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its voting members; and

(b) Meet at the call of the Governor or the Chair or a majority of its voting members as is necessary to carry out its responsibilities.

5. A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority of the voting members of a quorum present at any meeting is sufficient for any official action taken by the Commission.

6. Members of the Commission serve without compensation, except that each member is entitled, while engaged in the business of the Commission, to the per diem allowance and travel expenses provided for state officers and employees generally if funding is available for this purpose.

7. A member of the Commission who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the person may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Commission to make up the time he or she is absent from work to carry out his or her duties as a member of the Commission or use annual vacation or compensatory time for the absence.

8. The Commission may:

(a) Make recommendations to any state agency, including, without limitation, the Division, concerning the establishment and operation of programs for persons who are deaf, hard of hearing or speech impaired to ensure equal access to state programs and activities.

(b) Recommend to the Governor any proposed legislation concerning persons who are deaf, hard of hearing or speech impaired.

(c) Collect information concerning persons who are deaf, hard of hearing or speech impaired.

(d) Create and annually review a 5-year strategic plan consisting of short-term and long-term goals for services provided by or on behalf of the Division. In creating and reviewing any such plan, the Commission must solicit input from various persons, including, without limitation, persons who are deaf, hard of hearing or speech impaired.

(e) Review the goals, policies, programs and services of state agencies, including, without limitation, the Division, that serve persons who are deaf, hard of hearing or speech impaired and advise such agencies regarding such goals, policies, programs and services, including, without limitation, the outcomes of services provided to persons who are deaf, hard of hearing or speech impaired and the requirements imposed on providers.

(f) Based on information collected by the Department of Education, advise the Department of Education on research and methods to ensure the availability of language and communication services for children who are deaf, hard of hearing or speech-impaired.

(g) Consult with the personnel of any state agency, including, without limitation, the Division, concerning any matter relevant to the duties of the Commission. A state agency shall make available to the Commission any officer or employee of the agency with which the Commission wishes to consult pursuant to this paragraph.

9. The Commission shall:

(a) Make recommendations to the Division concerning the practice of interpreting and the practice of realtime captioning, including, without limitation, the adoption of regulations to carry out the provisions of chapter 656A of NRS.

(b) Make recommendations to the Division concerning all programs and activities funded by the surcharge imposed pursuant to subsection 3 of NRS 427A.797.

(c) Provide persons who are deaf, hard of hearing or speech impaired with information concerning services and resources that promote equality for such persons in education, employment and socialization and referrals for such services and resources;

(d) Review the procedures and practices of state and local governmental entities to ensure that persons who are deaf, hard of hearing or speech impaired have equal access to resources and services provided by those governmental entities; and

(e) Make recommendations to state and local governmental entities concerning:

(1) Compliance with laws and regulations concerning persons who are deaf, hard of hearing or speech impaired, including, without limitation, the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

(2) Improving the health, safety, welfare and comfort of persons who are deaf, hard of hearing or speech impaired; and

(3) Integrating services and programs for persons who are deaf, hard of hearing or speech impaired and improving cooperation among state and local governmental entities that provide such services . ~~*[; and*~~

~~*(f) Make recommendations to the Governor concerning the compensation of the Director of the Commission who is appointed pursuant to NRS 427A.752.]*~~

10. As used in this section:

(a) "Practice of interpreting" has the meaning ascribed to it in NRS 656A.060.

(b) "Practice of realtime captioning" has the meaning ascribed to it in NRS 656A.062.

(c) "Telecommunications relay services" has the meaning ascribed to it in 47 C.F.R. § 64.601.

Sec. 3. NRS 427A.752 is hereby amended to read as follows:

427A.752 1. The ~~[Governor]~~ *Administrator* shall appoint the *Executive* Director of the Commission . ~~*[within the Office of the Governor.]*~~ The *Executive* Director:

(a) ~~[Serves without compensation,]~~ *Is in the unclassified service of the State and serves* at the pleasure of the ~~[Governor.]~~ *Administrator*.

(b) Shall perform such duties as are directed by the *Administrator, as advised by the* Commission.

(c) Must not be a member of the Commission.

2. The Division shall provide ~~[the]~~ *any additional* personnel, facilities, equipment and supplies required by the Commission to carry out the provisions of this section and NRS 427A.750.

Sec. 4. NRS 427A.797 is hereby amended to read as follows:

427A.797 1. The Division shall develop and administer a program whereby:

(a) Any person who is a customer of a telephone company which provides service through a local exchange or a customer of a company that provides wireless phone service and who is certified by the Division to be deaf or to have severely impaired speech or hearing may obtain a device for telecommunication or other assistive technology capable of serving the needs of such persons at no charge to the customer beyond the rate for basic service;

(b) Any person who is deaf or has severely impaired speech or hearing may communicate by telephone, including, without limitation, a wireless phone, or other means with other persons through a dual-party relay system or other assistive technology; and

(c) Interpreters are made available, when possible, to the Executive, Judicial and Legislative Departments of State Government to assist those departments in providing access to persons who are deaf or hard of hearing. The Division shall, to the extent money is available, employ one or more interpreters in the unclassified service of the State for the purposes of this paragraph.

2. The program developed pursuant to subsection 1 must include the establishment of centers for persons who are deaf or hard of hearing that provide services which must include, without limitation:

(a) Facilitating the provision and distribution of devices for telecommunication and other assistive technology to persons with impaired speech or hearing;

(b) Assisting persons who are deaf or have severely impaired speech or hearing in accessing assistive devices, including, without limitation, hearing aids, electrolarynxes and devices for telecommunication and other assistive technology;

(c) Expanding the capacity for service using devices for telecommunication and other assistive technology in areas where there is a need for such devices and technology and services for persons with impaired speech or hearing are not available;

(d) Providing instruction in language acquisition to persons determined by the center to be eligible for services; and

(e) Providing programs designed to increase access to education, employment and health and social services.

3. A surcharge of not more than 8 cents per month is hereby imposed on each access line of each customer to the local exchange of any telephone company providing such lines in this State and on each personal wireless access line of each customer of any company that provides wireless phone services in this State. The surcharge must be used to:

(a) Cover the costs of the program;

(b) Fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; ~~[and]~~

(c) Cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800 ~~[.]~~ *; and*

(d) Cover the costs of the compensation and other expenses of the Executive Director of the Nevada Commission for Persons Who are Deaf and Hard of Hearing pursuant to NRS 427A.752.

➥ The Public Utilities Commission of Nevada shall establish by regulation the amount to be charged. Those companies shall collect the surcharge from their customers and transfer the money collected to the Commission pursuant to regulations adopted by the Commission.

4. The Account for Services for Persons With Impaired Speech or Hearing is hereby created within the State General Fund and must be administered by the Division. Any money collected from the surcharge imposed pursuant to subsection 3 must be deposited in the State Treasury for credit to the Account. The money in the Account may be used only:

(a) For the purchase, maintenance, repair and distribution of the devices for telecommunication and other assistive technology, including the distribution of such devices and technology to state agencies and nonprofit organizations;

(b) To establish and maintain the dual-party relay system;

(c) To reimburse telephone companies and companies that provide wireless phone services for the expenses incurred in collecting and transferring to the Public Utilities Commission of Nevada the surcharge imposed by the Commission;

(d) For the general administration of the program developed and administered pursuant to subsection 1;

(e) To train persons in the use of the devices for telecommunication and other assistive technology;

(f) To fund the centers for persons who are deaf or hard of hearing established pursuant to subsection 2; ~~[and]~~

(g) To cover the costs incurred by the Division to carry out the provisions of chapter 656A of NRS that are not covered by the civil penalties received by the Division pursuant to NRS 656A.800 ~~[.]~~ *; and*

(h) Cover the cost of the compensation and other expenses of the Executive Director of the Nevada Commission for Persons Who are Deaf and Hard of Hearing pursuant to NRS 427A.752.

5. For the purposes of this section:

(a) "Device for telecommunication" means a device which is used to send messages through the telephone system, including, without limitation, the wireless phone system, which visually displays or prints messages received and which is compatible with the system of telecommunication with which it is being used.

(b) "Dual-party relay system" means a system whereby persons who have impaired speech or hearing, and who have been furnished with devices for telecommunication, may relay communications through third parties to persons who do not have access to such devices.

Sec. 5. ~~[1. There is hereby appropriated from the State General Fund to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing created by NRS 427A.750, as amended by section 2 of this act, for the per diem, travel and administrative costs of the Commission the following sums:~~

~~For the Fiscal Year 2019-2020..... $50,000~~

~~For the Fiscal Year 2020-2021..... $50,000~~

~~2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.]~~ (Deleted by amendment.)

Sec. 6. 1. Notwithstanding the amendatory provisions of this act, a member of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired who was appointed pursuant to NRS 427A.750 as that section existed on June 30, 2019, and who is serving a term on July 1, 2019, is entitled to serve the remainder of the term to which he or she was appointed as a member of the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired created by NRS 427A.750, as amended by section 2 of this act. The Governor shall appoint to the Commission:

(a) The member described in paragraph (h) of subsection 1 of NRS 427A.750, as amended by section 2 of this act, to replace the first member described in paragraph (e) of subsection 1 of NRS 427A.750 whose term expires after July 1, 2019.

(b) The member described in paragraph (i) of subsection 1 of NRS 427A.750, as amended by section 2 of this act, to replace the second member described in paragraph (e) of subsection 1 of NRS 427A.750 whose term expires after July 1, 2019.

2. As soon as practicable after July 1, 2019, the Governor shall appoint to the Commission for Persons Who Are Deaf and Hard of Hearing created by NRS 427A.750, as amended by section 2 of this act, the member pursuant to:

(a) Paragraph (j) of subsection 1 of NRS 427A.750, as amended by section 2 of this act, to an initial term of 2 years.

(b) Paragraph (k) of subsection 1 of NRS 427A.750, as amended by section 2 of this act, to an initial term of 3 years.

Sec. 7. This act becomes effective on July 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1095 to Senate Bill No. 93 transfers the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired from the Office of the Governor to the Aging and Disability Services Division of the Department of Health and Human Services (DHHS); changes the title of the position to the Executive Director, with appointment by the Administrator of the Aging and Disability Services Division; and eliminates section 5, which removes all General Fund appropriations.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 93 transfers the Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired from the Office of the Governor to the Aging and Disability Services Division of DHHS. It revises the name and membership of the Commission makes the Executive Director of the Commission a full-time, paid position. Finally, it requires the compensation and other expenses of the Executive Director be paid from the surcharge imposed on access lines of telephone customers. This is a good bill.

Roll call on Senate Bill No. 93:

YEAS—21.

NAYS—None.

Senate Bill No. 93 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 245.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1094.

SUMMARY—Revises provisions relating to civil actions. (BDR 3-965)

AN ACT relating to civil actions; increasing the limitation on the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the limitation on the amount of damages that may be awarded in a tort action against a governmental entity or its officers or employees is $100,000. (NRS 41.035) Section 1 of this bill increases the limitation to ~~[$250,000.]~~ $150,000. Section 3 of this bill provides that this increase becomes effective on July 1, 2020, and expires by limitation on June 30, 2022. Section 2 of this bill provides that the increased limitation on damages applies to a cause of action that "accrues" on or after July 1, ~~[2019, the effective date of this bill.]~~ 2020, but before July 1, 2022. Section 1.5 increases the limitation on the amount of damages to $200,000, effective on July 1, 2022. A cause of action "accrues" when the right to bring a lawsuit arises. (*Clark v. Robison*, 113 Nev. 949, 951 (1997))

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

Section 1. NRS 41.035 is hereby amended to read as follows:

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of the person's public duties or employment may not exceed the sum of ~~[$100,000, *$250,000,*]~~ *$150,000,* exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:

(a) Any public or quasi-municipal corporation organized under the laws of this State.

(b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.

(c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

➥ The Legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other water owned or controlled by any public or quasi-municipal agency or corporation of this State, wherever such land or water may be situated.

Sec. 1.5. NRS 41.035 is hereby amended to read as follows:

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of the person's public duties or employment may not exceed the sum of ~~[$150,000,]~~ *$200,000,* exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:

(a) Any public or quasi-municipal corporation organized under the laws of this State.

(b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.

(c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

➥ The Legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other water owned or controlled by any public or quasi-municipal agency or corporation of this State, wherever such land or water may be situated.

Sec. 2. The amendatory provisions of ~~[section]~~ :

1. Section 1 of this act apply to a cause of action that accrues on or after July 1, ~~[2019.]~~ 2020, but before July 1, 2022.

2. Section 1.5 of this act apply to a cause of action that accrues on or after July 1, 2022.

Sec. 3. ~~[This]~~

1. This section and sections 1 and 2 of this act ~~[becomes]~~ become effective on July 1, ~~[2019.]~~ 2020.

2. Section 1.5 of this act becomes effective on July 1, 2022.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Senate Bill No. 245 increases the cap on tort claims from $100,000 to $250,000 effective July 1, 2019. It also revises the increase to $150,000 effective July 1, 2020, and $200,000 effective July 1, 2022, and revises the effective dates accordingly.

Amendment adopted.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 245 increases the cap on tort claims from $100,000 to $150,000 effective July 1, 2020, and $200,000 effective July 1, 2022. Section 1 applies to a cause of action that accrues on or after July 1, 2020, but before July 1, 2022. Section 1.5 applies to cause of action that accrues on or after July 1, 2022.

Roll call on Senate Bill No. 245:

YEAS—21.

NAYS—None.

Senate Bill No. 245 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 275.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1074.

SUMMARY—Makes various changes relating to licensing and regulation of master guides and subguides. (BDR 45-150)

AN ACT relating to wildlife; creating the Advisory Guide Board ~~[to License Master Guides and Subguides]~~ within the Department of Wildlife;

~~[transferring to the Board the powers and duties governing the licensing and regulation of master guides and subguides;]~~ authorizing the Department to submit any application for a master guide license or subguide license to the Advisory Guide Board for its recommendations; revising certain additional penalties for purposefully or knowingly acting as a master guide or subguide without a license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who provides certain guide ~~[service]~~ services relating to hunting or fishing to obtain a master guide license from the Department of Wildlife and each person who provides certain assistance to a master guide and acts as a guide during the course of that activity ~~[is required]~~ to obtain a subguide license from the Department. ~~[(NRS 504.390) Sections 2-4 of this bill add internal references to those licensing requirements.]~~ Existing law also authorizes the Board of Wildlife Commissioners to adopt regulations concerning the conduct and operation of a guide service. (NRS 504.390)

~~[Sections 7-10]~~ Section 8 of this bill ~~[create]~~ creates the Advisory Guide Board ~~[to License Master Guides and Subguides]~~ within the Department of Wildlife to consist of ~~[five]~~ the chief law enforcement officer of the Department or his or her designee, who serves as an ex officio member, and four members ~~[, all of whom are]~~ appointed by the Governor. Section ~~[5]~~ 10 of this bill ~~[removes the fees charged by the Department for a resident and nonresident master guide's license and resident and nonresident subguide's license, which are instead added in section 11 of this bill and paid to]~~ sets forth the duties of the Board. ~~[Section 11 also provides for the use of those fees by the Board and provides that those fees do not revert to the State General Fund at the end of any fiscal year. Section 1 of this bill makes a conforming change. Sections 11, 12 and 14 of this bill transfer the powers and duties relating to the licensure and regulation of the activities of master guides and subguides from the Department of Wildlife and the Board of Wildlife Commissioners to the Board to License Master Guides and Subguides.]~~ Section 13 of this bill ~~[removes]~~ authorizes, rather than requires, the Commission to impose an additional penalty ~~[that was authorized]~~ against a person for acting as a master guide or subguide without a license.

~~[Section 15 of this bill makes current regulations of the Board of Wildlife Commissioners continue until they are repealed, replaced or amended by the Board to License Master Guides and Subguides.]~~ Section 16 of this bill requires the Governor to appoint members to the Advisory Guide Board ~~[to License Master Guides and Subguides]~~ as soon as practicable after July 1, 2019, and provides for the staggering of the terms of the members. ~~[Section 17 of this bill ensures that current licenses remain valid until they expire.]~~

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

Section 1. ~~[NRS 501.356 is hereby amended to read as follows:~~

~~"501.356 1. Money received by the Department from:~~

~~(a) The sale of licenses;~~

~~(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;~~

~~(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;~~

~~(d) Appropriations made by the Legislature; and~~

~~(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife HEritage Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,~~

~~→ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.~~

~~2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.~~

~~3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.~~

~~4. Except as otherwise provided in NRS 502.250, 502.410 , [and] 504.155 [,] *and 504.390*, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:~~

~~(a) Only for the protection, propagation and management of wildlife; and~~

~~(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.]~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 502.146 is hereby amended to read as follows:~~

~~502.146 As used in NRS 502.146 to 502.149, inclusive:~~

~~1. "Restricted nonresident deer hunt" means a deer hunt in which a restricted nonresident deer hunter hunts with a [licensed] master guide or [licensed] subguide [.] *who is licensed pursuant to NRS 504.390.*~~

~~2. "Restricted nonresident deer hunter" means a person who is not a resident of this State and is issued a restricted nonresident deer tag.~~

~~3. "Restricted nonresident deer tag" means a tag which is issued to a nonresident for a restricted nonresident deer hunt.]~~ (Deleted by amendment.)

Sec. 3. ~~[NRS 502.148 is hereby amended to read as follows:~~

~~502.148 1. Except as otherwise provided in this subsection, any person who wishes to apply for a restricted nonresident deer tag pursuant to NRS 502.147 must complete an application on a form prescribed and furnished by the Department. A [licensed] master guide *who is licensed pursuant to*~~

~~*NRS 504.390* may complete the application for an applicant. The application must be signed by the applicant and the master guide who will be responsible for conducting the restricted nonresident deer hunt.~~

~~2. The application must be accompanied by a fee for the tag of $300, plus any other fees which the Department may require. The Commission shall establish the time limits and acceptable methods for submitting such applications to the Department.~~

~~3. Any application for a restricted nonresident deer tag which contains an error or omission must be rejected and the fee for the tag returned to the applicant.~~

~~4. A person who is issued a restricted nonresident deer tag is not eligible to apply for any other deer tag issued in this State for the same hunting season as that restricted nonresident deer hunt.~~

~~5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.]~~ (Deleted by amendment.)

Sec. 4. ~~[NRS 502.149 is hereby amended to read as follows:~~

~~502.149 A restricted nonresident deer hunter must be accompanied at all times during the restricted nonresident deer hunt by the [licensed] master guide *licensed pursuant to NRS 504.390* who cosigned the application or one of the master guide's [licensed] subguides [.] *who is licensed pursuant to that section.]*~~ (Deleted by amendment.)

Sec. 5. ~~[NRS 502.240 is hereby amended to read as follows:~~

~~502.240 1. The Department shall issue:~~

~~(a) Resident licenses and limited permits pursuant to this section to any person who is a resident of this State pursuant to NRS 502.015.~~

~~(b) Nonresident licenses and limited permits pursuant to this section to any person who does not qualify as a resident of this State pursuant to NRS 502.015.~~

~~2. [Except as otherwise provided in NRS 504.390, the]~~ *The* ~~Department shall issue a license or permit to any person who is 18 years or older upon the payment of the following fee for:~~

~~A resident annual fishing license ..... $40~~
~~A resident 1-day permit to fish ..... 9~~
~~Each consecutive day added to a resident 1-day permit to fish..... 3~~
~~A resident annual hunting license ..... 38~~
~~A resident annual combination hunting and fishing license..... 75~~
~~A resident trapping license..... 40~~
~~A resident fur dealer's license ..... 63~~
~~[A resident master guide's license ..... 750~~
~~A resident subguide's license ..... 125]~~
~~A nonresident annual fishing license ..... 80~~
~~A nonresident annual license to fish solely in the reciprocal waters of the Colorado River, Lake Mead, Lake Mojave, Lake Tahoe and Topaz Lake ..... 30~~

~~A nonresident 1-day permit to fish ..... 18~~
~~Each consecutive day added to a nonresident 1-day permit to fish ..... 7~~
~~A nonresident annual combination hunting and fishing license ..... 155~~
~~A nonresident trapping license ..... 188~~
~~A nonresident fur dealer's license ..... 125~~
~~[A nonresident master guide's license ..... 1,500~~
~~A nonresident subguide's license ..... 250]~~
~~A nonresident 1-day combination permit to fish and hunt upland game birds and migratory game birds ..... 23~~
~~Each consecutive day added to a nonresident 1-day combination permit to fish and hunt upland game birds and migratory game birds ..... 8~~

~~3. The Department shall issue a license to any person who is at least 12 years of age but less than 18 years of age upon payment of the following fee for:~~

~~A resident youth combination hunting and fishing license ..... $15~~
~~A resident youth trapping license ..... 15~~
~~A nonresident youth combination hunting and fishing license ..... 15~~

~~4. Except as otherwise provided in subsection 5, the Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of $15 to:~~

~~(a) Any person who has been considered to be a resident of this State pursuant to NRS 502.015 continuously for the 5 years immediately preceding the date of application for the license and is 65 years of age or older.~~

~~(b) Any person who is a resident of this State pursuant to NRS 502.015 and who has a severe physical disability.~~

~~(c) Any person who is a resident of this State pursuant to NRS 502.015 and who has incurred a service-connected disability specified in NRS 502.072.~~

~~5. The Department shall issue an annual resident specialty combination hunting and fishing license pursuant to this chapter upon satisfactory proof of the requisite facts and the payment of a fee of $10 to any resident Native American of this State pursuant to NRS 502.280.~~

~~6. The Department shall issue to any person, without regard to residence, upon the payment of a fee of:~~

~~For a noncommercial license for the possession of live wildlife ..... $15~~
~~For a commercial or private shooting preserve ..... 125~~
~~For a commercial license for the possession of live wildlife ..... 500~~
~~For a live bait dealer's permit ..... 44~~
~~For a competitive field trials permit ..... 31~~
~~For a permit to train dogs or falcons ..... 15~~
~~For a 1-year falconry license ..... 38~~
~~For a 3-year falconry license ..... 94~~

~~For an importation permit ..... 15~~
~~For an import eligibility permit..... 31~~
~~For an exportation permit..... 15~~
~~For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.~~

~~7. As used in this section, "severe physical disability" means a physical disability which materially limits a person's ability to engage in gainful employment.]~~ (Deleted by amendment.)

Sec. 6. Chapter 504 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 10, inclusive, of this act.

Sec. 7. *As used in NRS 504.390 to 504.398, inclusive, and sections 7 to 10, inclusive, of this act, "Board" means the Advisory Guide Board ~~[to License Master Guides and Subguides]~~ created by section 8 of this act.*

Sec. 8. *1. The Advisory Guide Board , ~~[to License Master Guides and Subguides,]~~ consisting of five members , ~~[appointed by the Governor,]~~ is hereby created within the Department.*

2. The membership of the Advisory Guide Board consists of:

(a) The chief law enforcement officer of the Department or his or her designee who serves as an ex officio voting member; and

(b) Four members appointed by the Governor ~~[shall appoint to the Board:~~

~~*(a)]*~~ *as follows:*

(1) Two members who are licensed master guides ; ~~[and who hold licenses issued pursuant to NRS 504.390;~~

~~*(b)]*~~ *(2) One member who has engaged the services of a ~~[person who is]~~ licensed ~~[as a]~~ master guide ~~[pursuant to NRS 504.390]~~ within the 3 years immediately preceding the member's appointment;*

~~*[(c)]*~~ *and*

(3) One member who is a member of the Commission . ~~[; and~~

~~*(d) One member from a list of game wardens submitted by the Director.]*~~

3. After the initial terms, the term of each appointed member of the Board is 4 years. ~~[A]~~ Such a member may continue in office until the appointment of a successor.

4. ~~[A]~~ An appointed member of the Board may not serve more than two consecutive terms.

5. A vacancy occurring in the appointed membership of the Board must be filled by appointment for the unexpired term in the same manner as the original appointment.

6. The Governor may remove any appointed member of the Board for incompetence, neglect of duty, moral turpitude or misfeasance, malfeasance or nonfeasance in office.

Sec. 9. *1. At its first meeting each year, the members of the Board shall elect a Chair and Vice Chair, who serve until the next Chair and Vice Chair are elected. The Board ~~[shall meet as necessary at the call of the Chair or a~~*

~~*majority of the members of the Board.]*~~ *may hold not more than six meetings each year.*

2. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Board.

3. While engaged in the business of the Board, to the extent of legislative appropriation and any other money available for that purpose, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

4. To the extent of legislative appropriation and any other money available for that purpose, the Department shall provide the Board with such staff as is necessary to carry out the duties of the Board.

Sec. 10. *The Board shall:*

1. ~~*[Adopt such regulations as are necessary to carry]*~~ *As soon as practicable after receiving an application for a master guide license or subguide license pursuant to NRS 504.390, review the application and recommend to the Department whether to grant or deny the application;*

2. As soon as practicable after receiving any complaint submitted to the Department concerning a licensed master guide or subguide or any other matter relating to the conduct and operation of a guide service, review the complaint and make recommendations to the Department concerning the complaint;

3. Periodically, or upon request by the Commission or Department, provide advice and make any recommendations necessary to assist the Commission or Department in carrying out the provisions of NRS 504.390 to 504.398, inclusive, and sections 7 to 10, inclusive, of this act, including, without limitation, advice and recommendations regarding the adoption of any regulations governing the conduct and operation of a guide service; and

~~*[2.]*~~ *4. Take any other advisory action* ~~*[necessary to carry out those provisions.]*~~ *required by the Commission or Department concerning the licensing of a master guide or subguide.*

Sec. 11. NRS 504.390 is hereby amended to read as follows:

504.390 1. As used in this section, unless the context otherwise requires:

(a) "Compensation" means any remuneration given in exchange for providing guide service which is predicated on a business relationship between the parties. The term does not include any reimbursement for shared trip expenses, including, without limitation, expenses for gasoline, food or any other costs that are generally associated with persons who are engaging in recreational hunting or fishing together.

(b) "Guide" means to assist another person for compensation in hunting wild mammals or wild birds and fishing and includes the transporting of another person or the person's equipment to hunting and fishing locations within a general hunting and fishing area whether or not the guide determines the destination or course of travel.

2. Each person who provides guide service for compensation or provides guide service as an incidental service to customers of any commercial enterprise, whether a direct fee is charged for the guide service or not, must obtain a master guide license from the Department. ~~[Board.]~~ Such a license must not be issued to any person who has not reached 21 years of age.

3. Except as otherwise provided in this subsection, each person who assists a person who is required to have a master guide license and acts as a guide in the course of that activity must obtain a subguide license from the Department. ~~[Board.]~~ Such a license must not be issued to any person who has not reached 18 years of age. The provisions of this subsection do not apply to a person who:

(a) Is employed by or assists a person who holds a master guide license solely for the purpose of cooking, cutting wood, caring for, grooming or saddling livestock, or transporting a person by motor vehicle to or from a public facility for transportation, including, without limitation, a public airport.

(b) Holds a master guide license which authorizes the person to provide services for the same species and in the same areas as the guide who employs him or her or requests the person's assistance and has submitted to the Department ~~[Board]~~ a notarized statement which indicates that the person is employed by or provides assistance to the guide. The statement must be signed by both guides.

4. Fees for ~~[The Board shall issue a]~~ master guide and ~~[license or]~~ subguide licenses must be as provided in NRS 502.240. ~~[license upon the payment of a fee of:~~

~~(a) For a person who is a bona fide resident of the State of Nevada:~~

~~For an annual master guide license..... $750~~

~~For an annual subguide license..... 125~~

~~(b) For a person who is not a bona fide resident of the State of Nevada:~~

~~For an annual master guide license..... $1,500~~

~~For an annual subguide license.....250]~~

5. Any person who desires a master guide license must apply for the license on a form prescribed and furnished by the Department. ~~[Board.]~~ The application must contain the social security number of the applicant and such other information as the Commission ~~[Board]~~ may require by regulation. If that person was not licensed as a master guide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of $1,500.

6. Any person who desires a subguide license must apply for the license on a form prescribed and furnished by the Department. ~~[Board.]~~ If that person was not licensed as a subguide during the previous licensing year, the person's application must be accompanied by a nonrefundable fee of $50.

7. It is unlawful for the holder of a master guide license to operate in any area where a special use permit is required without first obtaining a permit unless the holder is employed by or providing assistance to a guide pursuant to subsection 3.

8. The holder of a master guide license shall maintain records of the number of hunters and anglers served, and any other information which the Department ~~*[Board]*~~ may require concerning fish and game taken by such persons. The information must be furnished to the Department ~~*[Board]*~~ on request.

9. If any licensee under this section, or person served by a licensee, is convicted of a violation of any provision of this title or chapter 488 of NRS, the Commission ~~*[Board]*~~ may revoke the license of the licensee and may refuse issuance of another license to the licensee for a period not to exceed 5 years.

10. The Commission may adopt regulations covering the conduct and operation of a guide service.

11. The Department ~~*[Board]*~~ may ~~[issue]~~ :

(a) Submit any application received by the Department for a master guide license or subguide license to the Board for its recommendations pursuant to section 10 of this act.

(b) Issue master guide and subguide licenses that are valid only in certain management areas, management units or administrative regions in such a manner as may be determined by the regulations of the Commission. ~~*[Board.*~~

~~*11. Any money received by the Board for the payment of fees pursuant to this section must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account and used by the Board to carry out the provisions of NRS 504.390 to 504.398, inclusive, and sections 7 to 10, inclusive, of this act.*~~

~~*12. The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.]*~~

Sec. 12. ~~[NRS 504.393 is hereby amended to read as follows:~~

~~504.393 The [Department] *Board* shall, upon request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, submit to the Division of Welfare and Supportive Services the name, address and social security number of each person who holds a master guide license or subguide license and any pertinent changes in that information.]~~ (Deleted by amendment.)

Sec. 13. NRS 504.395 is hereby amended to read as follows:

504.395 1. Any person who purposefully or knowingly acts as a master guide or as a subguide without first obtaining a license pursuant to NRS 504.390 is guilty of:

(a) For a first offense, a gross misdemeanor.

(b) For a second or subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

2. Any vessel, vehicle, aircraft, pack or riding animal or other equipment used by a person operating in violation of subsection 1 is subject to forfeiture upon the conviction of that person of a gross misdemeanor or felony if that

person knew or should have known that the vessel, vehicle, aircraft, animal or equipment would be used in violation of subsection 1.

3. In addition to any penalty imposed pursuant to subsection 1, if a person is convicted of violating a provision of that subsection, the Commission ~~[shall:]~~ *may:*

(a) Revoke any license, permit or privilege issued to that person pursuant to this title; and

(b) Refuse to issue any new license, permit or privilege to the person for 5 years after the date of the conviction.

Sec. 14. ~~[NRS 504.398 is hereby amended to read as follows:~~

~~504.398 1. If the [Department] *Board* receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a master guide license or subguide license, the [Department] *Board* shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the [Department] *Board* receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~2. The [Department] *Board* shall reinstate a master guide license or subguide license that has been suspended by a district court pursuant to NRS 425.540 if the [Department] *Board* receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.]~~ (Deleted by amendment.)

Sec. 15. ~~[1. Any administrative regulations adopted by the Board of Wildlife Commissioners relating to the licensing or activities of a master guide or subguide remain in force until repealed, replaced or amended by the Board to License Master Guides and Subguides within the Department of Wildlife created by section 8 of this act.~~

~~2. Any contracts or other agreements entered into by the Board of Wildlife Commissioners or the Department of Wildlife relating to the licensing or activities of a master guide or subguide are binding upon the Board to License Master Guides and Subguides. Such contracts and other agreements may be enforced by the Board to License Master Guides and Subguides.~~

~~3. Any action taken by the Board of Wildlife Commissioners or the Department of Wildlife relating to the licensing or activities of a master guide or subguide remains in effect as if taken by the Board to License Master Guides and Subguides.]~~ (Deleted by amendment.)

Sec. 16. As soon as practicable after ~~[the effective date of this act,]~~ July 1, 2019, the Governor shall appoint to the Advisory Guide Board ~~[to License Master Guides and Subguides]~~ within the Department of Wildlife created by section 8 of this act:

1. ~~[One member to an initial term that expires on July 1, 2021;~~

~~2.]~~ Two members to initial terms that expire on July 1, 2022; and

~~[3.]~~ 2. Two members to initial terms that expire on July 1, 2023.

Sec. 17. ~~[A master guide license or subguide license that is valid on July 1, 2019, and was issued by the Department of Wildlife shall be deemed to be a master guide license or subguide license, as applicable, issued by the Board to License Master Guides and Subguides pursuant to NRS 504.390, as amended by section 11 of this act, and remains valid until its expiration date, if the holder of the license otherwise remains qualified to hold the license on or after July 1, 2019.]~~ (Deleted by amendment.)

Sec. 18. This act becomes effective ~~[:~~

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

~~2. On]~~ on July 1, 2019 ~~. [, for all other purposes.]~~

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1074 makes several changes to Senate Bill No. 275. It removes existing language from Senate Bill No. 275 that would create a Board to License Master Guides and subguide's; creates an Advisory Board for Guides within the Department of Wildlife, and establishes the composition and duties for the Advisory Board. The Advisory Board shall review applications for guide licenses and develop recommendations to assist the Wildlife Commission or the Department in regulating the guide industry. Costs incurred by the Department to support the Advisory Board will be funded through Sportsmen Revenue. Finally, it authorizes, rather than requires, the Wildlife Commission to impose a penalty against a person acting as a master guide or subguide without a license.

Amendment adopted.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 275 creates an Advisory Board for Guides within the Department of Wildlife and establishes the composition and duties for the Advisory Board. The Advisory Board shall review applications for guide licenses and develop recommendations to assist the Wildlife Commission or the Department in regulating the guide industry. Costs incurred by the Department to support the Advisory Board would be funded through existing Sportsmen Revenue. Finally, Senate Bill No. 275 authorizes, rather than requires, the Wildlife Commission to impose a penalty against a person acting as a master guide or subguide without a license.

Roll call on Senate Bill No. 275:

YEAS—21.

NAYS—None.

Senate Bill No. 275 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 289.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1092.

SUMMARY—Makes an appropriation for health services in underserved areas. (BDR S-610)

AN ACT making an appropriation to obtain matching funds for the purpose of encouraging certain medical practitioners to practice in underserved areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Health Service Corps may be established by the University of Nevada School of Medicine to encourage certain medical and dental practitioners to practice in underserved areas of this State. (NRS 396.900) Section 1 of this bill makes an appropriation to the Nevada Health Service Corps for the purpose of obtaining matching federal funds.

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 Office of Finance in the Office of the Governor for allocation to the Nevada Health Service Corps, established pursuant to NRS 396.900, for the purpose of obtaining matching federal funds the following sums:

For the Fiscal Year 2019-2020 ..... $250,000

For the Fiscal Year 2020-2021 ..... $250,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 2. This act becomes effective ~~[on July 1, 2019.]~~ upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1092 clarifies the funds are appropriated to the Office of Finance in the Office of the Governor and revises the effective date of Senate Bill No. 289 to be effective upon passage and approval.

Amendment adopted.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 289 appropriates $250,000 of General Fund appropriations in each year of the 2019-2021 Biennium to the Governor's Office of Finance for allocation to the Nevada Health Services Corps for the purpose of obtaining matching federal funds to support the cost of funding the repayment of educational loans of certain medical and dental providers who agree to practice in underserved areas of Nevada.

Roll call on Senate Bill No. 289:
YEAS—21.
NAYS—None.

Senate Bill No. 289 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467.

Bill read third time.

The following amendment was proposed by Senator Woodhouse:

Amendment No. 1099.

SUMMARY—Revises provisions relating to education. (BDR S-820)

AN ACT relating to education; extending the duration of the Zoom schools program; extending the duration of the Victory schools program; revising provisions relating to the Office of the Superintendent of Public Instruction; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 77th Session of the Nevada Legislature, the Legislature appropriated money for the Clark County School District and the Washoe County School District to carry out a program of Zoom elementary schools during the 2013-2015 biennium to provide a comprehensive package of programs and services for children who are limited English proficient (now referred to as English learners) or eligible for such a designation. The other school districts and the State Public Charter School Authority were also authorized to apply for a grant of money from the appropriation to provide programs and services to children who were limited English proficient or eligible for such a designation. (Section 16.2 of chapter 515, Statutes of Nevada 2013, p. 3418)

The 78th Session of the Nevada Legislature continued and expanded the Zoom schools program to middle schools, junior high schools and high schools in the Clark County School District and the Washoe County School District for the 2015-2017 biennium through the enactment of Senate Bill No. 405. (Chapter 335, Statutes of Nevada 2015, p. 1869) S.B. 405 (2015) also provided certain additional requirements for the program. Section 1 of this bill mirrors the provisions of S.B. 390 (2017) and extends the Zoom schools program for the 2019-2021 biennium. Section 1 requires the elementary schools, middle schools, junior high schools and high schools that were identified to operate as Zoom schools for the 2017-2019 biennium to continue to operate as Zoom schools for the 2019-2021 biennium.

During the 78th Session of the Nevada Legislature (2015), the Legislature passed the Victory Schools Act, which provided for the distribution of money during the 2015-2017 biennium to certain underperforming public schools designated as Victory schools. (Chapter 389, Statutes of Nevada 2015, p. 2197) During the 79th Session of the Nevada Legislature (2017), the Legislature continued the program in effect for the 2017-2019 biennium.

(Chapter 344, Statutes of Nevada 2017, p. 2149) Section 2 of this bill continues the Victory Schools program for the 2019-2021 biennium.

Section 3.5 of this bill makes an appropriation to the Interim Finance Committee for allocation to the Department of Education for the costs of desktop monitoring and school improvement computer software tools and related implementation costs for personnel, professional development and travel.

Section 3.7 of this bill makes a salary adjustment to a new position within the Office of the Superintendent of Public Instruction.

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

Section 1. 1. The elementary schools identified to operate as Zoom elementary schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District for the 2017-2019 biennium shall continue to operate as Zoom elementary schools for the 2019-2021 biennium.

2. Except as otherwise provided in subsection 3, the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 for each Zoom elementary school of those school districts to:

(a) Provide prekindergarten programs free of charge;

(b) Operate reading skills centers;

(c) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for children who are English learners;

(d) Offer recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(e) Engage and involve parents and families of children who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children; and

(f) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy or provide for an extended school day.

3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) and (b) of that subsection, and one of the programs prescribed in paragraph (f) of that subsection, so the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are English learners. A Zoom elementary school:

(a) Shall not use the money for any other purpose or use more than 5 percent of the money for the purposes described in paragraphs (c), (d) and (e) of subsection 2; and

(b) May only use the money for the purposes described in paragraphs (c), (d) and (e) of subsection 2 if the board of trustees of the school district determines that such a use will not negatively impact the services provided to pupils enrolled in a Zoom elementary school.

4. A reading skills center operated by a Zoom elementary school must provide:

(a) Support at the Zoom elementary school in the assessment of reading and literacy problems and language acquisition barriers for pupils;

(b) Instructional intervention to enable pupils to overcome such problems and barriers by the completion of grade 3; and

(c) Instructional intervention to enable pupils enrolled in grade 4 or 5 who were not able to overcome such problems and barriers by the completion of grade 3 to overcome them as soon as practicable.

5. The middle schools, junior high schools or high schools identified to operate as Zoom middle schools, junior high schools or high schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District for the 2017-2019 biennium shall continue to operate as Zoom middle schools, junior high schools and high schools, as applicable, for the 2019-2021 biennium.

6. The Clark County School District and the Washoe County School District shall distribute the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior high school and high school of those school districts to carry out one or more of the following:

(a) Reduce class sizes for pupils who are English learners and provide English language literacy based classes;

(b) Provide direct instructional intervention to each pupil who is an English learner using the data available from applicable assessments of that pupil;

(c) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners;

(d) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(e) Engage and involve parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils;

(f) Provide other evidence-based programs and services that are approved by the Department of Education and that are designed to meet the specific needs of pupils enrolled in the school who are English learners;

(g) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy; and

(h) Provide for an extended school day.

➥ The Clark County School District and the Washoe County School District shall not use more than 5 percent of the money for the purposes described in paragraphs (c), (d) and (e) and may only use the money for the purposes described in paragraphs (c), (d) and (e) if the board of trustees of the school district determines that such use will not negatively impact the services provided to pupils enrolled in a Zoom middle school, junior high school or high school.

7. On or before August 1, 2019, the Clark County School District and the Washoe County School District shall each provide a report to the Department of Education which includes:

(a) The names of the elementary schools operating as Zoom schools pursuant to subsection 1 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (f), inclusive, of subsection 2;

(b) The names of the middle schools, junior high schools and high schools operating as Zoom schools pursuant to subsection 5 and the plan of each school for carrying out the programs and services described in paragraphs (a) to (h), inclusive, of subsection 6; and

(c) Evidence of the progress of pupils at each Zoom school, as measured by common standards and assessments, including, without limitation, interim assessments identified by the State Board of Education, if the State Board has identified such assessments.

8. From the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall provide grants of money to the sponsors of such charter schools and the school districts. The sponsor of such a charter school and the board of trustees of such a school district may submit an application to the Department on a form prescribed by the Department that includes, without limitation:

(a) The number of pupils in the school district or charter school, as applicable, who are English learners or eligible for designation as English learners; and

(b) A description of the programs and services the school district or charter school, as applicable, will provide with a grant of money, which may include, without limitation:

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are English learners;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are English learners and technology-based tools, such as software, designed to support the learning of pupils who are English learners;

(3) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for children who are English learners;

(4) The provision of programs and services for pupils who are English learners, free of charge, before and after school, during the summer or intersession for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(5) Engaging and involving parents and families of children who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children;

(6) Offering recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and

(7) Provide other evidence-based programs and services that are approved by the Department and that are designed to meet the specific needs of pupils enrolled in the school who are English learners.

9. The Department of Education shall award grants of money to school districts and the sponsors of charter schools that submit applications pursuant to subsection 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are English learners or eligible for designation as English learners, and not on a competitive basis.

10. A school district and a sponsor of a charter school that receives a grant of money pursuant to subsection 8:

(a) Shall not use more than 5 percent of the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8 and may only use the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8 if the board of trustees of the school district or the governing body of the charter school, as applicable, determines that such a use would not negatively impact the services provided to pupils enrolled in the school.

(b) Shall provide a report to the Department of Education in the form prescribed by the Department with the information required for the Department's report pursuant to subsection 15.

11. On or before August 17, 2019, the Department of Education shall submit a report to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee which includes:

(a) The information reported by the Clark County School District and the Washoe County School District pursuant to subsection 7; and

(b) The school districts and charter schools for which a grant of money is approved pursuant to subsection 9 and the plan of each such school district and charter school for carrying out programs and services with the grant money, including, without limitation, any programs and services described in subparagraphs (1) to (7), inclusive, of paragraph (b) of subsection 8.

12. The State Board of Education shall prescribe:

(a) A list of recruitment and retention incentives for the school districts and the sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel pursuant to paragraph (d) of subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8; and

(b) Criteria and procedures to notify a school district or a charter school that receives money pursuant to this section if the school district or charter school is not implementing the programs and services for which the money was received in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board pursuant to subsection 13, including, without limitation, a plan of corrective action for the school district or charter school to follow to meet the requirements of this section or the performance levels.

13. The State Board of Education shall prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is received by the school districts and charter schools pursuant to this section. The performance levels must establish minimum expected levels of performance on a yearly basis based upon the performance results of children who participate in the programs and services. The outcome indicators must be designed to track short-term and long-term impacts on the progress of children who participate in the programs and services, including, without limitation:

(a) The number of children who participated;

(b) The extent to which the children who participated improved their English language proficiency and literacy levels compared to other children who are English learners or eligible for such a designation who did not participate in the programs and services; and

(c) To the extent that a valid comparison may be established, a comparison of the academic achievement and growth in the subject areas of English language arts and mathematics of children who participated in the programs and services to other children who are English learners or eligible for such a designation who did not participate in the programs and services.

14. The Department of Education shall contract for an independent evaluation of the effectiveness of the programs and services offered by each Zoom elementary school pursuant to subsection 2, each Zoom middle school, junior high school and high school pursuant to subsection 6 and the programs

and services offered by the other school districts and the charter schools pursuant to subsection 8.

15. The Clark County School District, the Washoe County School District and the Department of Education shall each prepare an annual report that includes, without limitation:

(a) An identification of the schools that received money from the School District or a grant of money from the Department, as applicable.

(b) How much money each such school received.

(c) A description of the programs or services for which the money was used by each such school.

(d) The number of children who participated in a program or received services.

(e) The average per-child expenditure per program or service that was funded.

(f) For the report prepared by the School Districts, an evaluation of the effectiveness of such programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in the programs or received services.

(g) Any recommendations for legislation, including, without limitation:

(1) For the continuation or expansion of programs and services that are identified as effective in improving the academic and linguistic achievement and proficiency of children who are English learners.

(2) A plan for transitioning the funding for providing the programs and services set forth in this section to pupils who are English learners from categorical funding to a weighted per pupil formula within the Nevada Plan.

(h) For the report prepared by the Department, in addition to the information reported for paragraphs (a) to (e), inclusive, and paragraph (g):

(1) The results of the independent evaluation required by subsection 14 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;

(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which it received money pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 13 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and

(3) Whether each school district or charter school that received money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 13.

16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2020, and January 16, 2021, respectively. The Department shall submit the information

reported by those school districts and the information prepared by the Department pursuant to subsection 15:

(a) On or before June 15, 2020, to the State Board of Education and the Legislative Committee on Education.

(b) On or before February 1, 2021, to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

17. The Department of Education may require a Zoom school or other public school that receives money pursuant to this section to provide a report to the Department on:

(a) The number of vacancies, if any, in full-time licensed educational personnel at the school;

(b) The number of probationary employees, if any, employed at the school;

(c) The number, if any, of persons who are employed at the school as substitute teachers for 20 consecutive days or more in the same classroom or assignment and designated as long-term substitute teachers; and

(d) Any other information relating to the personnel at the school as requested by the Department.

18. The money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools must be accounted for separately from any other money received by school districts or charter schools of this State and used only for the purposes specified in this section.

19. Except as otherwise provided in paragraph (d) of subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8, the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

20. Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money distributed by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.

21. As used in this section:

(a) "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) "Probationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 2. 1. The Department of Education shall, in consultation with the board of trustees of a school district, designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

➥ The designation of a public school as a Victory school pursuant to this subsection must be made in consultation with the board of trustees of the school district in which the prospective Victory school is located.

2. The Department shall designate each Victory school for the 2019-2020 Fiscal Year on or before June 1, 2019.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2019 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, 2019, the board of trustees of each school district in which a Victory school is designated for the 2019-2020 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2019-2020 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in which a Victory school is designated and the

governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, 2019, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs

of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, 2019.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(c) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(d) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(e) Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

(f) Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

(g) Reading skills centers.

(h) Integrated student supports, wrap-around services and evidence-based programs designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4.

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) If the Victory school is a high school, provide additional instruction or other learning opportunities for pupils and professional development for teachers at an elementary school, middle school or junior high school that is located within the zone of attendance of the high school and is not also designated as a Victory school; or

(e) Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) Except as otherwise provided in paragraph (d) of subsection 9, be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. On or before November 30, 2020, and November 30, 2021, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

18. The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

20. As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) "Integrated student supports" means supports developed, secured or coordinated by a school to promote the academic success of pupils enrolled in the school by targeting academic and nonacademic barriers to pupil achievement.

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Department of Education the sum of $900,000 for the costs of desktop monitoring and school improvement computer software tools and related implementation costs for personnel, professional development and travel.

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

Sec. 3.7. The salary provided for the new position of Chief Strategy Officer in the Office of the Superintendent of Public Instruction in the Department of Education is hereby adjusted from $95,931 to $101,847.

Sec. 4. 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. 5. 1. This act becomes effective upon passage and approval.

2. Sections 1, 2 and 4 of this act expire by limitation on June 30, 2021.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senators Woodhouse and Kieckhefer.

SENATOR WOODHOUSE:

Amendment No. 1099 to Senate Bill No. 467 makes an appropriation of $900,000 from the State General Fund to the Interim Finance Committee for allocation to the Department of Education for the cost of desktop-monitoring school improvement computer-software tools and related implementation costs.

SENATOR KIECKHEFER:

That is not the amendment to Senate Bill No. 467 I have on my desk. The amendment on my desk enhances the salary of the position of the new Chief Strategy Officer in the Office of the Superintendent of Public Instruction. This is a new position, just created through the budgetary process, and now, it is being amended in the bill. I am trying to figure out what is going on.

Senator Ratti moved that the bill be taken from the General File and placed on the General File on the last Agenda.

Motion carried.

Assembly Bill No. 444.

Bill read third time.

Remarks by Senators Ohrenschall and Settelmeyer.

SENATOR OHRENSCHALL:

Assembly Bill No. 444 creates the Interim Legislative Committee on Tax Expenditures and Incentives for Economic Development. In addition to identifying and evaluating all incentives for economic development in this State, the Committee may review and comment upon other issues relating to tax expenditures. It shall also determine whether businesses receiving abatements are meeting the wage and health-care requirements for employees as specified by law. The Committee, consisting of six Legislators, who must be members of Legislative Session Committees with jurisdiction over matters relating to budgets, finances and taxation, shall report to the Legislature prior to a regular Legislative Session and may recommend revisions to tax expenditures and incentives.

SENATOR SETTELMEYER:

We need to leave the ability to have determination regarding these economic incentives to the Governor. The Legislature has given him that ability. If we think they are wrong, we need to pull the incentives back. I opposed pulling these powers away from the Executive Branch.

Roll call on Assembly Bill No. 444:

YEAS—15.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Pickard, Settelmeyer—6.

Assembly Bill No. 444 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 446.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 446 revises the Nevada New Markets Job Act. It allows a qualified community development entity to make a qualified low-income community investment jointly with other qualified community development entities; specifies that businesses that receive certain economic development incentives from the Governor's Office of Economic Development, currently disqualified from becoming qualified, active low-income community businesses, may become qualified by electing to waive the abatements provided by the office; allows a qualified community development entity that has made an investment or loan to a qualified active low-income community business to refinance the investment or loan after four years, if the investment or loan has not been previously refinanced, and increases the minimum amount of any single, qualified investment from $5 million to $8 million.

Roll call on Assembly Bill No. 446:

YEAS—21.

NAYS—None.

Assembly Bill No. 446 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 489.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 489 authorizes the Administrator of the Office of Grant Procurement, Coordination and Management to provide grant training and technical assistance to State agencies, local governments, tribal governments and nonprofit organizations as well as administrative support to the Nevada Advisory Council on Federal Assistance. The bill creates the Grant Matching Fund as part of a pilot program that would allow State agencies, local governments, tribal governments and nonprofit organizations to request grants from the Fund for the purpose of

satisfying the matching requirement for a federal or nongovernmental-organizational grant. The bill establishes certain criteria for prioritizing grants and establishes standards of eligibility for receiving a grant. At the conclusion of the pilot program, the bill requires the Administrator to provide a summary report on the pilot program to the Legislature. Finally, the bill appropriates $179,864 over the 2019-2021 Biennium from the State General Fund to the Office.

Roll call on Assembly Bill No. 489:
YEAS—21.
NAYS—None.

Assembly Bill No. 489 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 533.
Bill read third time.
Remarks by Senators Harris and Kieckhefer.

SENATOR HARRIS:
Assembly Bill No. 533 creates both the Cannabis Advisory Commission and the Cannabis Compliance Board. In addition, this bill generally reenacts, revises and reorganizes the provisions governing the medical use of marijuana and the use of marijuana by persons 21 years of age or older into a new Title of the NRS and transfers the authority to license and regulate persons and establishments involved in the marijuana industry to the Cannabis Compliance Board. Lastly, the bill prohibits a local government from licensing cannabis-consumption lounges for a period of time and, instead, requires the Cannabis Compliance Board to conduct a study relating to consumption lounges and report the findings of the study to the Legislative Counsel Bureau for transmission to the 81st Session of the Legislature.

SENATOR KIECKHEFER:
I have concerns Assembly Bill No. 533 elevates cannabis to the same level as gaming in importance our State. That is a statement I am not willing to make. I understand a local government has already agreed to license a cannabis-consumption lounge. Does this supersede that license?

SENATOR HARRIS:
Yes, this would supersede that.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Assembly Bill No. 533:
YEAS—14.
NAYS—Goicoechea, Hardy, Kieckhefer, Seevers Gansert, Settelmeyer, Washington—6.
NOT VOTING—Ohrenschall.

Assembly Bill No. 533 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 535.
Bill read third time.
Remarks by Senators Dondero Loop and Settelmeyer.

SENATOR DONDERO LOOP:
Assembly Bill No. 535 provides for new and increased license fees for certain licenses issued by the Department of Taxation relating to cigarettes and other tobacco products. The proceeds

from these license fees are to be used by the Department for the administration and enforcement of chapter 370 of the NRS.

SENATOR SETTELMEYER:

I had many emails from individuals stating this rewards online, purchasers and companies because they do not have to pay the license, and it punishes brick-and-mortar businesses. Is the $1,000 fee for manufacturing a one-time fee? Would an individual who hand-rolled cigars be considered a manufacturer and be subject to this fee?

SENATOR DONDERO LOOP:

I do not know the answer to that specific question, but these fees have not been raised since about 1977, so most are being updated. The Department of Taxation delivered this bill.

Roll call on Assembly Bill No. 535:

YEAS—16.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Settelmeyer—5.

Assembly Bill No. 535 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 98.

The following Assembly amendment was read:

Amendment No. 1065.

SUMMARY—Revises provisions governing the practice of homeopathic medicine. (BDR 54-519)

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

Legislative Counsel's Digest:

Under existing law, the Board of Homeopathic Medical Examiners is charged with regulating the practice of homeopathic medicine in this State. (NRS 630A.155) Section 2 of this bill changes the name of the Board to the Nevada Board of Homeopathic ~~[and Integrated Medicine]~~ Medical Examiners. Section 2 also ~~[increases]~~ reduces the number of members of the Board by one member for a total of ~~[eight]~~ six members. Section 3 of this bill requires that ~~[the additional]~~ one member of the Board be an advanced practitioner of homeopathy. Section 1 of this bill makes conforming changes.

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

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

fees for physicians, advanced practitioners of homeopathy and homeopathic assistants.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Administer to the person a public reprimand.

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

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

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

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

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

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

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

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

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

3. The Board shall not administer a private reprimand.

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

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

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

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

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

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

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

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

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

Sec. 10. The Legislative Counsel shall:

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

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

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

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

Senator Spearman moved that the Senate concur in Assembly Amendment No. 1065 to Senate Bill No. 98.

Remarks by Senator Spearman.

Amendment No. 1065 makes three changes to Senate Bill No. 98. It revises the name of the board to the Nevada Board of Homeopathic Medical Examiners. It reduces the number of Board members from eight to six, and it specifies separate maximum renewal fees for certain homeopathic professions.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 209.

The following Assembly amendment was read:

Amendment No. 1066.

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

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

Legislative Counsel's Digest:

Existing law authorizes the growing and cultivation of industrial hemp for purposes relating to research and the growing and handling of industrial hemp and the production of agricultural hemp seed by persons registered with the State Department of Agriculture. (Chapter 557 of NRS) On December 20, 2018, the President of the United States signed the Agricultural Improvement Act of 2018 into law. Section 10113 of the Act authorizes the production of hemp under the primary jurisdiction of a state or tribal government if the state or tribal government submits a plan to the United States Secretary of Agriculture that satisfies certain requirements. (Public Law 115-334) Because federal law now refers to plants of the genus Cannabis sativa L. with a THC concentration of not more than 0.3 percent as "hemp" rather than

"industrial hemp," sections ~~[1-17]~~ 5-8 and 10-17 of this bill revise various sections of state law to use the term "hemp" for this plant and its derivatives.

Existing law authorizes the State Department of Agriculture to adopt certain regulations relating to the testing of crops of industrial hemp and commodities and products made using industrial hemp by an independent testing laboratory. (NRS 557.270) Sections 12 and 13.5 of this bill divide the responsibility for the adoption of regulations relating to the testing of hemp and commodities and products made using hemp between the State Department of Agriculture and the Department of Health and Human Services. Section 13.5 of this bill authorizes the Department of Health and Human Services to adopt regulations relating to the testing and labeling of commodities and products containing hemp and certain other products containing cannabidiol that are intended for human consumption. Section 12 of this bill requires a grower or producer to submit, before harvesting, a sample of each crop of hemp to the State Department of Agriculture or an independent testing laboratory to determine the THC concentration of the crop. Section 12 ~~[of this bill]~~ authorizes the State Department of Agriculture to adopt regulations relating to ~~[the]~~ such testing. ~~[of all other hemp and all other commodities and products made using hemp. Existing law authorizes an institution of higher education or the State Department of Agriculture to grow or cultivate industrial hemp for certain purposes related to research. (NRS 557.070) Section 4 of this bill requires the State Board of Agriculture to adopt regulations requiring that any agricultural products made using hemp grown for such purposes which are intended for human consumption must be tested and labeled in accordance with regulations adopted by the Department for hemp grown for any other purpose.]~~

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

Existing law authorizes the State Department of Agriculture to adopt certain regulations relating to the testing of crops of industrial hemp and commodities and products made using industrial hemp by an independent testing laboratory. (NRS 557.270) Section 12 provides that a grower ~~[, handler]~~ or producer whose crop ~~[, commodity or product]~~ has failed a test prescribed by the State Department of Agriculture is authorized to submit that crop ~~[, commodity or product]~~ for retesting.

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

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

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

amendment.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. A person who wishes to register with the Department as a grower, handler or producer must submit to the Department the fee established

pursuant to subsection 7 and an application, on a form prescribed by the Department, which includes:

(a) The name and address of the applicant;

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

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

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

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

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

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

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

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

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

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

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

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

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

~~determining appropriate standards for sampling and for the size of batches for testing.~~

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

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

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

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

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

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

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

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

557.290 Any person who grows or handles ~~[industrial]~~ hemp or produces agricultural hemp seed without being registered with the Department pursuant to NRS 557.200 is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment. The prosecuting attorney and the Department may recover the costs of the proceeding, including investigative costs and attorney's fees, against a person convicted of a misdemeanor pursuant to this section.

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

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

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

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

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

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

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

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

4. As used in this section:

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

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

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

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

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

453.096 1. "Marijuana" means:

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

(b) The seeds thereof;

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

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

2. "Marijuana" does not include:

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

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

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

453.339 1. Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures,

delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of marijuana or concentrated cannabis shall be punished, if the quantity involved:

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

(b) Is 1,000 pounds or more, but less than 5,000 pounds, of marijuana or 20 pounds or more, but less than 100 pounds, of concentrated cannabis, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years and by a fine of not more than $50,000.

(c) Is 5,000 pounds or more of marijuana or 100 pounds or more of concentrated cannabis, for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or

(2) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,

➥ and by a fine of not more than $200,000.

2. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the

confidentiality of the holders of registry identification cards and letters of approval.

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

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

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

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

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

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

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

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

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

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

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

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

(c) Provide for the progressive discipline of attending providers of health care who advise the medical use of marijuana at a rate at which the

Department, in consultation with the Division, and applicable board determine and agree to be unreasonably high.

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

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

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

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

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

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

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of that section; and

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

Senator Scheible moved that the Senate concur in Assembly Amendment No. 1066 to Senate Bill No. 209.

Remarks by Senator Scheible.

Amendment No. 1066 makes some simple changes to Senate Bill No. 209 including revising the effective date and deleting sections to conform to Senate Bill No. 347.

Conflict of interest declared by Senator Ohrenschall.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 461.

The following Assembly amendments were read:

Amendment No. 718.

SUMMARY—Revises provisions governing the Tahoe-Douglas Visitor's Authority. (BDR S-733)

AN ACT relating to taxation; imposing a surcharge on lodging within the Tahoe Township in Douglas County; authorizing the Tahoe-Douglas Visitor's Authority to take certain actions respecting the establishment and operation of ~~[recreational facilities;]~~ a multiuse event and convention center; authorizing

the Authority to issue certain municipal securities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Section 2 of this bill establishes a $5 tourism surcharge on the per-night charge for the rental of lodgings in the Township. Sections 1 and 4-12 of this bill make conforming changes.

Section 3 of this bill enacts provisions to govern the issuance of municipal securities by the Authority, which are based on the provisions of existing law governing the issuance of bonds by county fair and recreation boards. Section 3 authorizes the Authority to take certain actions in connection with the acquisition, improvement and operation of ~~[recreational facilities]~~ a multiuse event and convention center in the Township. Sections 3 and 13 of this bill authorize the Authority to issue municipal securities for the acquisition of such ~~[recreational facilities,]~~ a multiuse event and convention center, to be payable from the net revenues of such ~~[recreational facilities,]~~ a multiuse event and convention center, the occupancy tax, the tourism surcharge and any other revenue which may be legally made available for the payment of such bonds. Section 13 also authorizes a portion of the proceeds of the occupancy tax and the tourism surcharge to be allocated to pay the costs to administer and collect the tourism surcharge, with the remaining proceeds to be used exclusively to pay the principal and interest on the municipal securities issued by the Authority.

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

Section 1. The Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended by adding thereto a new section to be designated as section 15.5, immediately following section 15, to read as follows:

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

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

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

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

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

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

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

1. To establish, construct, purchase, lease, enter into a lease purchase agreement respecting, rent, acquire by gift, grant, bequest, devise, or otherwise acquire, reconstruct, improve, extend, better, alter, repair, equip, furnish, regulate, maintain, operate and manage ~~[recreational facilities]~~ a multiuse event and convention center in the Township, including personal property, real property, lands, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years.

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

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

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

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

6. To receive, control, invest and order the expenditure of any and all moneys and funds pertaining to ~~[any recreational facility]~~ the multiuse event and convention center or related properties, including, but not

limited to, annual grants to the State, the county and incorporated cities in the county for capital improvements for ~~[recreational facilities.]~~ the multiuse event and convention center.

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

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

9. To sue and be sued.

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

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

1. Set aside a fund in an amount that it considers necessary and which may be expended in the discretion of the Authority to promote or attract conventions, meetings and likegatherings that will utilize the ~~[recreational facilities]~~ multiuse event and convention center authorized by section 27 of this act. The expenditure is hereby declared to be an expenditure made for a public purpose.

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

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

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

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

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

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

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

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

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

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

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

3. All determinations of the Authority under this act shall be deemed to be conclusive, absent fraud or a gross abuse of discretion.

Sec. 30. The provisions of the Local Government Securities Law shall apply to the issuance by the Authority of any municipal securities pursuant to this act. Any such municipal securities must be executed in the manner provided in the Local Government Securities Law, but the securities must also bear the manual or facsimile signature of an officer of the Authority, or some other person specifically authorized by the Authority to sign the securities.

Sec. 31. The Authority is authorized to sell such municipal securities from time to time in the manner prescribed in NRS 350.105 to 350.195, inclusive, and may employ legal, fiscal, engineering or other expert services in connection with the acquisition, improvement, extension or betterment of the ~~[improvements or facilities]~~ multiuse event and convention center and with the authorization, issuance and sale of the municipal securities.

Sec. 32. In order to insure the payment of the municipal securities of the Authority, the payment of which is secured or is additionally secured, as the case may be, by a pledge of the revenues of the ~~[recreational facilities,]~~ multiuse event and convention center, of any such other income-producing project and of any such excise taxes, as provided in section 29 of this act, or other such special obligation securities so secured, the Authority may establish and maintain, and from time to time revise, a schedule or schedules of fees, rates and charges for services, facilities and commodities rendered by or through the ~~[recreational facilities,]~~ multiuse event and convention center, and any such other

income-producing project and a schedule or schedules of any such excise taxes, as the case may be, in an amount sufficient for that purpose and also sufficient to discharge any covenant in the proceedings of the Authority or governing body authorizing the issuances of any of the municipal securities, including any covenant for the establishment of reasonable reserve funds.

Sec. 4. Section 3 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended to read as follows:

Sec. 3. Except as otherwise provided in this act or unless the context otherwise requires, terms used or referred to in this act have the meanings ascribed to them in the Local Government Securities Law, but the definitions in sections 4 to 18, inclusive, *and section 15.5* of this act, unless the context otherwise requires, govern the construction of this act and of the Local Government Securities Law as applied to the Township.

Sec. 5. Section 7 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 7. "Gross taxable rent" means the total amount of rent paid for lodging, including any associated charges that are normally included in the rent ~~[.]~~ *, including, without limitation, resort fees or similar mandatory fees or charges directly related to the occupancy of transient lodgings, but not including the tourism surcharge.*

Sec. 6. Section 11 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 11. "Occupancy tax" means the tax on lodging imposed by *section 19 of* this act.

Sec. 7. Section 14 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 14. "Rent" means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to ~~[an]~~ *the* occupancy tax *and tourism surcharge* authorized in this act.

Sec. 7.5. Section 20 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 20. 1. The Tahoe-Douglas Visitor's Authority, consisting of five members, is hereby created.

2. The Authority consists of:

(a) One member appointed by the Board of County Commissioners from among their number; and

(b) Four members who are representatives of the Association of Gaming Establishments whose members collectively paid the largest

amount of license fees to the State pursuant to NRS 463.370 in the County in the preceding year, chosen by the board from a list of nominees submitted by the Association. If there is no such association, the four members so appointed must be representatives of gaming licensees.

➥ Each member of the Authority must be a resident of the County.

3. The terms of members appointed pursuant to paragraph (b) of subsection 2 are 4 years. Each member appointed pursuant to paragraph (b) of subsection 2 may succeed himself or herself only twice.

4. If a member ceases to be engaged in the business or occupation which the member was appointed to represent, he or she ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

5. Members of the Authority may enter into contracts, leases, franchises and other transactions extending beyond their terms of office as members of the Authority.

Sec. 8. Section 21 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 21. 1. The municipality may provide that the occupancy tax *or tourism surcharge* does not apply:

(a) If a vendee:

(1) Has been a permanent resident of the taxable premises for a period of at least 28 consecutive days; or

(2) Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 28 consecutive days;

(b) If the rent paid by a vendee is less than $2 a day;

(c) To lodgings at religious, charitable, educational or philanthropic institutions, including accommodations at summer camps operated by such institutions;

(d) To clinics, hospitals or other medical facilities;

(e) To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; *or*

(f) ~~[If the taxable premises does not have at least three rooms or three other units of accommodations for lodging; or~~

~~(g)]~~ To all or any combination of events or conditions provided in paragraphs (a) to ~~[(f),]~~ *(e)*, inclusive.

2. The occupancy tax ~~[does]~~ *and tourism surcharge do* not apply to:

(a) Lodgings at institutions of the Federal Government, the State, the municipality or any other public body.

(b) The rental of any lodgings by an employee of the Federal Government, the State or a political subdivision of the State, if the transaction is conducted directly with the governmental entity pursuant to a governmental credit card or a contract, purchase order or similar document executed or authorized by an appropriate official of the governmental entity.

3. Any ordinance adopted pursuant to this act by the municipality before July 1, 2019, relating to the occupancy tax shall, by operation of law, apply to the tourism surcharge in the same manner as it applies to the occupancy tax.

Sec. 9. Section 22 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 22. 1. Every vendor providing lodging in the Township shall collect the *occupancy* tax *and tourism surcharge* and shall act as a trustee therefor.

2. Every vendor providing lodging in the Township shall remit the proceeds of the occupancy tax *and tourism surcharge* to the governing body.

3. The *occupancy* tax *and tourism surcharge* must be charged separately from the rent fixed by the vendor for the lodgings.

Sec. 10. Section 23 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 23. 1. The governing body may provide by ordinance that:

(a) The payment of the occupancy tax *or tourism surcharge* pertaining to any lodgings is secured by a lien on the real property at the taxable premises where the lodgings are located;

(b) Any such lien securing the payment of a delinquent occupancy tax *or tourism surcharge* may be enforced in the same manner as liens for general taxes ad valorem on real property; and

(c) A vendor is liable for the payment of the proceeds of any occupancy tax *and tourism surcharge* which pertains to the vendor's taxable premises and which the vendor failed to remit to the municipality, because of the vendor's failure to collect the *occupancy* tax *and tourism surcharge* or otherwise.

2. The governing body may provide for a civil penalty for any such failure in an amount of not more than 10 percent of the amount which was not remitted to the municipality but not less than $10.

3. The municipality may bring an action in the district court for the collection of any amounts due, including, without limitation, penalties thereon, interest on the unpaid principal at a rate not exceeding 1 percent per month, the costs of collection and reasonable attorney's fees incurred in connection therewith, except for any tax *or surcharge* being collected by the enforcement of a lien pursuant to subsection 1.

Sec. 11. Section 24 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 24. The governing body may provide by ordinance for penalties not to exceed 90 days' imprisonment or a $300 fine for a failure by any person to pay the *occupancy* tax ~~[,]~~ *and tourism surcharge,* to remit the

proceeds thereof to the municipality or to account properly for any lodging and the *occupancy* tax *and tourism surcharge* proceeds pertaining thereto.

Sec. 12. Section 25 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 25. The governing body may provide by ordinance, except as limited by or otherwise provided in this act:

1. A procedure for licensing each vendor and for refusing to license a vendor after an opportunity has been given to the vendor for a public hearing by the governing body concerning the issuance of the license;

2. The times, place and method for the payment of the *occupancy* tax *and tourism surcharge* to the municipality, the account and other records to be maintained in connection therewith, a procedure for making refunds and resolving disputes relating to the *occupancy* tax ~~[,]~~ *and tourism surcharge,* including exemptions pertaining thereto, the preservation and destruction of records and their inspection and investigation, and, subject to the provisions of subsection 1 of section 23 of this act, a procedure of liens and sales to satisfy such liens; and

3. Other rights, privileges, powers and immunities and other details relating to any licenses, the collection of the occupancy tax *and tourism surcharge* and the remittance of the proceeds thereof to the municipality.

Sec. 13. Section 26 of the Tahoe-Douglas Visitors' Authority Act, being chapter 496, Statutes of Nevada 1997, as amended by chapter 496, Statutes of Nevada 1997, at page 2379, is hereby amended to read as follows:

Sec. 26. 1. From the proceeds of the occupancy tax *and the tourism surcharge* paid by vendors located in the township, the governing body shall:

(a) Pay the principal of, interest on and any prior redemption premiums due in connection with any securities issued by the county pursuant to the Douglas County Lodgers Tax Law which were secured with the proceeds of the occupancy tax collected pursuant to the Douglas County Lodgers Tax Law.

(b) After allocation of those proceeds pursuant to paragraph (a), pay any obligations incurred before July 1, 1997, pursuant to any contractual agreements between the governing body and the Lake Tahoe Visitor's Authority.

2. A portion of the proceeds of the occupancy tax *and the tourism surcharge* paid by vendors located in the Township, not to exceed 1 percent of the amount collected, may be used to collect and administer the *occupancy* tax ~~[.]~~ *and the tourism surcharge.*

3. One-eighth of the proceeds of the occupancy tax paid by vendors located in the Township must be remitted to the Authority.

4. After allocation pursuant to subsections 1, 2 and 3 of the proceeds of the occupancy tax paid by vendors located in the Township, the remaining proceeds must be allocated as follows:

(a) Except as otherwise provided in paragraph (b), for each Fiscal Year beginning on or after July 1, 1999, 50 percent of those proceeds must be retained by the governing body for expenditure in any manner authorized for the expenditure of the proceeds of a tax imposed pursuant to the Douglas County Lodgers Tax Law and 50 percent of those proceeds must be remitted to the Authority.

(b) Except as otherwise provided in paragraph (c), for each Fiscal Year beginning on or after July 1, 2000, the governing body shall revise the allocation required pursuant to this subsection in such a manner that the amount of those proceeds retained by the governing body is reduced, and the amount remitted to the Authority is increased, from the amounts for the prior fiscal year by not less than 2 percent and not more than 5 percent of the total amount of the proceeds allocated pursuant to this subsection, until the amount retained by the governing body for each fiscal year equals 35 percent of those proceeds and the amount remitted to the Authority for each fiscal year equals 65 percent of those proceeds.

(c) The governing body may, for not more than one of the Fiscal Years beginning on or after July 1, 2000, elect not to make a revision otherwise required pursuant to paragraph (b).

5. *After allocation pursuant to subsections 1 and 2 of the proceeds of the tourism surcharge paid by vendors located in the Township, the remaining proceeds must be remitted to the Authority.*

6. The proceeds remitted to the Authority pursuant to subsections 3 , ~~[and]~~ 4 *and 5* must be used exclusively for:

(a) The advertising, publicizing and promotion of tourism and recreation; ~~[and]~~

(b) The planning, construction and operation of a *multiuse event and* convention center in the Township ~~[.]~~ *; and*

(c) The payment of principal and interest on the municipal securities issued pursuant to section 29 of this act.

Sec. 14. This act becomes effective on July 1, 2019.

Amendment No. 888.

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

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

Legislative Counsel's Digest:

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

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

Section 2 of this bill establishes a $5 tourism surcharge on the per night charge for the rental of lodgings in the Township. Sections ~~[1]~~ 1.7 and 4-12 of this bill make conforming changes.

Section 3 of this bill enacts provisions to govern the issuance of municipal securities by the Authority, which are based on the provisions of existing law governing the issuance of bonds by county fair and recreation boards. Section 3 authorizes the Authority to take certain actions in connection with the acquisition, improvement and operation of a multiuse event and convention center in the Township. Sections 3 and 13 of this bill authorize the Authority to issue municipal securities for the acquisition of such a multiuse event and convention center, to be payable from the net revenues of such a multiuse event and convention center, the occupancy tax, the tourism surcharge and any other revenue which may be legally made available for the payment of such bonds. Section 13 also authorizes a portion of the proceeds of the occupancy tax and the tourism surcharge to be allocated to pay the costs to administer and collect the tourism surcharge, with the remaining proceeds to be used exclusively to pay the principal and interest on the municipal securities issued by the Authority.

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

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

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

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

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

➥ the contract or agreement for the project must include a provision requiring the payment of prevailing wages in compliance with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the municipality had undertaken the project or had awarded the contract.

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

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

~~[Section 1.]~~ *Sec. 1.7.* The Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended by adding thereto a new section to be designated as section 15.5, immediately following section 15, to read as follows:

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

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

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

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

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

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

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

1. To establish, construct, purchase, lease, enter into a lease purchase agreement respecting, rent, acquire by gift, grant, bequest, devise, or otherwise acquire, reconstruct, improve, extend, better, alter, repair, equip, furnish, regulate, maintain, operate and manage a multiuse event and convention center in the Township, including personal property, real property, lands, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years.

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

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

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

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

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

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

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

9. To sue and be sued.

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

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

1. Set aside a fund in an amount that it considers necessary and which may be expended in the discretion of the Authority to promote or attract conventions, meetings and like gatherings that will utilize the multiuse event and convention center authorized by section 27 of this act. The expenditure is hereby declared to be an expenditure made for a public purpose.

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

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

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

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

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

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

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

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

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

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

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

3. All determinations of the Authority under this act shall be deemed to be conclusive, absent fraud or a gross abuse of discretion.

Sec. 30. The provisions of the Local Government Securities Law shall apply to the issuance by the Authority of any municipal securities pursuant to this act. Any such municipal securities must be executed in the manner provided in the Local Government Securities Law, but the securities must also bear the manual or facsimile signature of an officer of the Authority, or some other person specifically authorized by the Authority to sign the securities.

Sec. 31. The Authority is authorized to sell such municipal securities from time to time in the manner prescribed in NRS 350.105 to 350.195, inclusive, and may employ legal, fiscal, engineering or other expert services in connection with the acquisition, improvement, extension or betterment of the multiuse event and convention center and with the authorization, issuance and sale of the municipal securities.

Sec. 32. In order to insure the payment of the municipal securities of the Authority, the payment of which is secured or is additionally secured, as the case may be, by a pledge of the revenues of the multiuse event and convention center, of any such other income-producing project and of any such excise taxes, as provided in section 29 of this act, or other such special obligation securities so secured, the Authority may establish and maintain, and from time to time revise, a schedule or schedules of fees, rates and charges for services, facilities and commodities rendered by or through the multiuse event and convention center, and any such other income-producing project and a schedule or schedules of any such excise taxes, as the case may be, in an amount sufficient for that purpose and also sufficient to discharge any covenant in the proceedings of the Authority or governing body authorizing the issuances of any of the municipal securities, including any covenant for the establishment of reasonable reserve funds.

Sec. 33. If a project that is financed by the Authority or is otherwise undertaken by the Authority, including, without limitation, pursuant to a lease, lease-purchase agreement or installment-purchase agreement:

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

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

➥ the contract or agreement for the project must include a provision requiring the payment of prevailing wages in compliance with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Authority had undertaken the project or had awarded the contract.

Sec. 4. Section 3 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended to read as follows:

Sec. 3. Except as otherwise provided in this act or unless the context otherwise requires, terms used or referred to in this act have the meanings ascribed to them in the Local Government Securities Law, but the

definitions in sections 4 to 18, inclusive, *and section 15.5* of this act, unless the context otherwise requires, govern the construction of this act and of the Local Government Securities Law as applied to the Township.

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Sec. 7. "Gross taxable rent" means the total amount of rent paid for lodging, including any associated charges that are normally included in the rent ~~[.]~~ *, including, without limitation, resort fees or similar mandatory fees or charges directly related to the occupancy of transient lodgings, but not including the tourism surcharge.*

Sec. 6. Section 11 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 11. "Occupancy tax" means the tax on lodging imposed by *section 19 of* this act.

Sec. 7. Section 14 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 14. "Rent" means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to ~~[an]~~ *the* occupancy tax *and tourism surcharge* authorized in this act.

Sec. 7.5. Section 20 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 20. 1. The Tahoe-Douglas Visitor's Authority, consisting of five members, is hereby created.

2. The Authority consists of:

(a) One member appointed by the Board of County Commissioners from among their number; and

(b) Four members who are representatives of the Association of Gaming Establishments whose members collectively paid the largest amount of license fees to the State pursuant to NRS 463.370 in the County in the preceding year, chosen by the board from a list of nominees submitted by the Association. If there is no such association, the four members so appointed must be representatives of gaming licensees.

➥ Each member of the Authority must be a resident of the County.

3. The terms of members appointed pursuant to paragraph (b) of subsection 2 are 4 years. Each member appointed pursuant to paragraph (b) of subsection 2 may succeed himself or herself only twice.

4. If a member ceases to be engaged in the business or occupation which the member was appointed to represent, he or she ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

5. Members of the Authority may enter into contracts, leases, franchises and other transactions extending beyond their terms of office as members of the Authority.

Sec. 8. Section 21 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 21. 1. The municipality may provide that the occupancy tax *or tourism surcharge* does not apply:

(a) If a vendee:

(1) Has been a permanent resident of the taxable premises for a period of at least 28 consecutive days; or

(2) Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 28 consecutive days;

(b) If the rent paid by a vendee is less than $2 a day;

(c) To lodgings at religious, charitable, educational or philanthropic institutions, including accommodations at summer camps operated by such institutions;

(d) To clinics, hospitals or other medical facilities;

(e) To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; *or*

(f) ~~[If the taxable premises does not have at least three rooms or three other units of accommodations for lodging; or~~

~~(g)]~~ To all or any combination of events or conditions provided in paragraphs (a) to ~~[(f),]~~ *(e),* inclusive.

2. The occupancy tax ~~[does]~~ *and tourism surcharge do* not apply to:

(a) Lodgings at institutions of the Federal Government, the State, the municipality or any other public body.

(b) The rental of any lodgings by an employee of the Federal Government, the State or a political subdivision of the State, if the transaction is conducted directly with the governmental entity pursuant to a governmental credit card or a contract, purchase order or similar document executed or authorized by an appropriate official of the governmental entity.

3. Any ordinance adopted pursuant to this act by the municipality before July 1, 2019, relating to the occupancy tax shall, by operation of law, apply to the tourism surcharge in the same manner as it applies to the occupancy tax.

Sec. 9. Section 22 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 22. 1. Every vendor providing lodging in the Township shall collect the *occupancy* tax *and tourism surcharge* and shall act as a trustee therefor.

2. Every vendor providing lodging in the Township shall remit the proceeds of the occupancy tax *and tourism surcharge* to the governing body.

3. The *occupancy* tax *and tourism surcharge* must be charged separately from the rent fixed by the vendor for the lodgings.

Sec. 10. Section 23 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 23. 1. The governing body may provide by ordinance that:

(a) The payment of the occupancy tax *or tourism surcharge* pertaining to any lodgings is secured by a lien on the real property at the taxable premises where the lodgings are located;

(b) Any such lien securing the payment of a delinquent occupancy tax *or tourism surcharge* may be enforced in the same manner as liens for general taxes ad valorem on real property; and

(c) A vendor is liable for the payment of the proceeds of any occupancy tax *and tourism surcharge* which pertains to the vendor's taxable premises and which the vendor failed to remit to the municipality, because of the vendor's failure to collect the *occupancy* tax *and tourism surcharge* or otherwise.

2. The governing body may provide for a civil penalty for any such failure in an amount of not more than 10 percent of the amount which was not remitted to the municipality but not less than $10.

3. The municipality may bring an action in the district court for the collection of any amounts due, including, without limitation, penalties thereon, interest on the unpaid principal at a rate not exceeding 1 percent per month, the costs of collection and reasonable attorney's fees incurred in connection therewith, except for any tax *or surcharge* being collected by the enforcement of a lien pursuant to subsection 1.

Sec. 11. Section 24 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 24. The governing body may provide by ordinance for penalties not to exceed 90 days' imprisonment or a $300 fine for a failure by any person to pay the *occupancy* tax ~~[,]~~ *and tourism surcharge,* to remit the proceeds thereof to the municipality or to account properly for any lodging and the *occupancy* tax *and tourism surcharge* proceeds pertaining thereto.

Sec. 12. Section 25 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 25. The governing body may provide by ordinance, except as limited by or otherwise provided in this act:

1. A procedure for licensing each vendor and for refusing to license a vendor after an opportunity has been given to the vendor for a public hearing by the governing body concerning the issuance of the license;

2. The times, place and method for the payment of the *occupancy* tax *and tourism surcharge* to the municipality, the account and other records to be maintained in connection therewith, a procedure for making refunds and resolving disputes relating to the *occupancy* tax ~~[,]~~ *and tourism surcharge,* including exemptions pertaining thereto, the preservation and destruction of records and their inspection and investigation, and, subject to the provisions of subsection 1 of section 23 of this act, a procedure of liens and sales to satisfy such liens; and

3. Other rights, privileges, powers and immunities and other details relating to any licenses, the collection of the occupancy tax *and tourism surcharge* and the remittance of the proceeds thereof to the municipality.

Sec. 13. Section 26 of the Tahoe-Douglas Visitors' Authority Act, being chapter 496, Statutes of Nevada 1997, as amended by chapter 496, Statutes of Nevada 1997, at page 2379, is hereby amended to read as follows:

Sec. 26. 1. From the proceeds of the occupancy tax *and the tourism surcharge* paid by vendors located in the township, the governing body shall:

(a) Pay the principal of, interest on and any prior redemption premiums due in connection with any securities issued by the county pursuant to the Douglas County Lodgers Tax Law which were secured with the proceeds of the occupancy tax collected pursuant to the Douglas County Lodgers Tax Law.

(b) After allocation of those proceeds pursuant to paragraph (a), pay any obligations incurred before July 1, 1997, pursuant to any contractual agreements between the governing body and the Lake Tahoe Visitor's Authority.

2. A portion of the proceeds of the occupancy tax *and the tourism surcharge* paid by vendors located in the Township, not to exceed 1 percent of the amount collected, may be used to collect and administer the *occupancy* tax ~~[,]~~ *and the tourism surcharge.*

3. One-eighth of the proceeds of the occupancy tax paid by vendors located in the Township must be remitted to the Authority.

4. After allocation pursuant to subsections 1, 2 and 3 of the proceeds of the occupancy tax paid by vendors located in the Township, the remaining proceeds must be allocated as follows:

(a) Except as otherwise provided in paragraph (b), for each Fiscal Year beginning on or after July 1, 1999, 50 percent of those proceeds must be retained by the governing body for expenditure in any manner authorized for the expenditure of the proceeds of a tax imposed pursuant to the Douglas County Lodgers Tax Law and 50 percent of those proceeds must be remitted to the Authority.

(b) Except as otherwise provided in paragraph (c), for each Fiscal Year beginning on or after July 1, 2000, the governing body shall revise the allocation required pursuant to this subsection in such a manner that the amount of those proceeds retained by the governing body is reduced, and

the amount remitted to the Authority is increased, from the amounts for the prior fiscal year by not less than 2 percent and not more than 5 percent of the total amount of the proceeds allocated pursuant to this subsection, until the amount retained by the governing body for each fiscal year equals 35 percent of those proceeds and the amount remitted to the Authority for each fiscal year equals 65 percent of those proceeds.

(c) The governing body may, for not more than one of the Fiscal Years beginning on or after July 1, 2000, elect not to make a revision otherwise required pursuant to paragraph (b).

5. *After allocation pursuant to subsections 1 and 2 of the proceeds of the tourism surcharge paid by vendors located in the Township, the remaining proceeds must be remitted to the Authority.*

6. The proceeds remitted to the Authority pursuant to subsections 3 , ~~[and]~~ 4 *and 5* must be used exclusively for:

(a) The advertising, publicizing and promotion of tourism and recreation; ~~[and]~~

(b) The planning, construction and operation of a *multiuse event and* convention center in the Township ~~[.]~~ *; and*

(c) The payment of principal and interest on the municipal securities issued pursuant to section 29 of this act.

Sec. 14. This act becomes effective on July 1, 2019.

Amendment No. 994.

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

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

Legislative Counsel's Digest:

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

Existing law requires the Tahoe-Douglas Visitor's Authority to use a portion of the proceeds of the occupancy tax on the rental of lodgings in the Tahoe

Township of Douglas County exclusively for: (1) the advertising, publicizing and promotion of tourism and recreation; and (2) the planning, construction and operation of a convention center in the Township. (Section 26 of chapter 496, Statutes of Nevada 1997, at p. 2378)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. To establish, construct, purchase, lease, enter into a lease purchase agreement respecting, rent, acquire by gift, grant, bequest, devise, or otherwise acquire, reconstruct, improve, extend, better, alter, repair, equip, furnish, regulate, maintain, operate and manage a multiuse event and convention center in the Township, including personal property, real property, lands, improvements and fixtures thereon, property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years.

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

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

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

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

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

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

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

9. To sue and be sued.

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

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

1. Set aside a fund in an amount that it considers necessary and which may be expended in the discretion of the Authority to promote or attract conventions, meetings and like gatherings that will utilize the multiuse event and convention center authorized by section 27 of this act. The expenditure is hereby declared to be an expenditure made for a public purpose.

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

including tourist accommodations, transportation, entertainment, gaming and climate. The advertising may be done jointly with a private enterprise.

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

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

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

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

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

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

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

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

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

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

3. All determinations of the Authority under this act shall be deemed to be conclusive, absent fraud or a gross abuse of discretion.

Sec. 30. The provisions of the Local Government Securities Law shall apply to the issuance by the Authority of any municipal securities pursuant to this act. Any such municipal securities must be executed in the manner provided in the Local Government Securities Law, but the securities must also bear the manual or facsimile signature of an officer of the Authority, or some other person specifically authorized by the Authority to sign the securities.

Sec. 31. The Authority is authorized to sell such municipal securities from time to time in the manner prescribed in NRS 350.105 to 350.195, inclusive, and may employ legal, fiscal, engineering or other expert

services in connection with the acquisition, improvement, extension or betterment of the multiuse event and convention center and with the authorization, issuance and sale of the municipal securities.

Sec. 32. In order to insure the payment of the municipal securities of the Authority, the payment of which is secured or is additionally secured, as the case may be, by a pledge of the revenues of the multiuse event and convention center, of any such other income-producing project and of any such excise taxes, as provided in section 29 of this act, or other such special obligation securities so secured, the Authority may establish and maintain, and from time to time revise, a schedule or schedules of fees, rates and charges for services, facilities and commodities rendered by or through the multiuse event and convention center, and any such other income-producing project and a schedule or schedules of any such excise taxes, as the case may be, in an amount sufficient for that purpose and also sufficient to discharge any covenant in the proceedings of the Authority or governing body authorizing the issuances of any of the municipal securities, including any covenant for the establishment of reasonable reserve funds.

Sec. 33. If a project that is financed by the Authority or is otherwise undertaken by the Authority, including, without limitation, pursuant to a lease, lease-purchase agreement or installment-purchase agreement:

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

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

➥ the contract or agreement for the project must include a provision requiring the payment of prevailing wages in compliance with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the Authority had undertaken the project or had awarded the contract ~~[.]~~ or agreement.

Sec. 4. Section 3 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2375, is hereby amended to read as follows:

Sec. 3. Except as otherwise provided in this act or unless the context otherwise requires, terms used or referred to in this act have the meanings ascribed to them in the Local Government Securities Law, but the definitions in sections 4 to 18, inclusive, *and section 15.5* of this act, unless the context otherwise requires, govern the construction of this act and of the Local Government Securities Law as applied to the Township.

Sec. 5. Section 7 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 7. "Gross taxable rent" means the total amount of rent paid for lodging, including any associated charges that are normally included in the rent ~~[.]~~ *, including, without limitation, resort fees or similar mandatory*

fees or charges directly related to the occupancy of transient lodgings, but not including the tourism surcharge.

Sec. 6. Section 11 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 11. "Occupancy tax" means the tax on lodging imposed by *section 19 of* this act.

Sec. 7. Section 14 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2376, is hereby amended to read as follows:

Sec. 14. "Rent" means the consideration received by a vendor in money, credits, property or other consideration valued in money for lodgings subject to ~~[an]~~ *the* occupancy tax *and tourism surcharge* authorized in this act.

Sec. 7.5. Section 20 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 20. 1. The Tahoe-Douglas Visitor's Authority, consisting of five members, is hereby created.

2. The Authority consists of:

(a) One member appointed by the Board of County Commissioners from among their number; and

(b) Four members who are representatives of the Association of Gaming Establishments whose members collectively paid the largest amount of license fees to the State pursuant to NRS 463.370 in the County in the preceding year, chosen by the board from a list of nominees submitted by the Association. If there is no such association, the four members so appointed must be representatives of gaming licensees.

➥ Each member of the Authority must be a resident of the County.

3. The terms of members appointed pursuant to paragraph (b) of subsection 2 are 4 years. Each member appointed pursuant to paragraph (b) of subsection 2 may succeed himself or herself only twice.

4. If a member ceases to be engaged in the business or occupation which the member was appointed to represent, he or she ceases to be a member, and another person engaged in that business or occupation must be appointed for the unexpired term.

5. Members of the Authority may enter into contracts, leases, franchises and other transactions extending beyond their terms of office as members of the Authority.

Sec. 8. Section 21 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2377, is hereby amended to read as follows:

Sec. 21. 1. The municipality may provide that the occupancy tax *or tourism surcharge* does not apply:

(a) If a vendee:

(1) Has been a permanent resident of the taxable premises for a period of at least 28 consecutive days; or

(2) Enters into or has entered into a written agreement for lodgings at the taxable premises for a period of at least 28 consecutive days;

(b) If the rent paid by a vendee is less than $2 a day;

(c) To lodgings at religious, charitable, educational or philanthropic institutions, including accommodations at summer camps operated by such institutions;

(d) To clinics, hospitals or other medical facilities;

(e) To privately owned and operated convalescent homes or homes for the aged, infirm, indigent or chronically ill; *or*

(f) ~~[If the taxable premises does not have at least three rooms or three other units of accommodations for lodging; or~~

~~(g)]~~ To all or any combination of events or conditions provided in paragraphs (a) to ~~[(f),]~~ *(e)*, inclusive.

2. The occupancy tax ~~[does]~~ *and tourism surcharge do* not apply to:

(a) Lodgings at institutions of the Federal Government, the State, the municipality or any other public body.

(b) The rental of any lodgings by an employee of the Federal Government, the State or a political subdivision of the State, if the transaction is conducted directly with the governmental entity pursuant to a governmental credit card or a contract, purchase order or similar document executed or authorized by an appropriate official of the governmental entity.

3. Any ordinance adopted pursuant to this act by the municipality before July 1, 2019, relating to the occupancy tax shall, by operation of law, apply to the tourism surcharge in the same manner as it applies to the occupancy tax.

Sec. 9. Section 22 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 22. 1. Every vendor providing lodging in the Township shall collect the *occupancy* tax *and tourism surcharge* and shall act as a trustee therefor.

2. Every vendor providing lodging in the Township shall remit the proceeds of the occupancy tax *and tourism surcharge* to the governing body.

3. The *occupancy* tax *and tourism surcharge* must be charged separately from the rent fixed by the vendor for the lodgings.

Sec. 10. Section 23 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 23. 1. The governing body may provide by ordinance that:

(a) The payment of the occupancy tax *or tourism surcharge* pertaining to any lodgings is secured by a lien on the real property at the taxable premises where the lodgings are located;

(b) Any such lien securing the payment of a delinquent occupancy tax *or tourism surcharge* may be enforced in the same manner as liens for general taxes ad valorem on real property; and

(c) A vendor is liable for the payment of the proceeds of any occupancy tax *and tourism surcharge* which pertains to the vendor's taxable premises and which the vendor failed to remit to the municipality, because of the vendor's failure to collect the *occupancy* tax *and tourism surcharge* or otherwise.

2. The governing body may provide for a civil penalty for any such failure in an amount of not more than 10 percent of the amount which was not remitted to the municipality but not less than $10.

3. The municipality may bring an action in the district court for the collection of any amounts due, including, without limitation, penalties thereon, interest on the unpaid principal at a rate not exceeding 1 percent per month, the costs of collection and reasonable attorney's fees incurred in connection therewith, except for any tax *or surcharge* being collected by the enforcement of a lien pursuant to subsection 1.

Sec. 11. Section 24 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 24. The governing body may provide by ordinance for penalties not to exceed 90 days' imprisonment or a $300 fine for a failure by any person to pay the *occupancy* tax ~~[,]~~ *and tourism surcharge,* to remit the proceeds thereof to the municipality or to account properly for any lodging and the *occupancy* tax *and tourism surcharge* proceeds pertaining thereto.

Sec. 12. Section 25 of the Tahoe-Douglas Visitor's Authority Act, being chapter 496, Statutes of Nevada 1997, at page 2378, is hereby amended to read as follows:

Sec. 25. The governing body may provide by ordinance, except as limited by or otherwise provided in this act:

1. A procedure for licensing each vendor and for refusing to license a vendor after an opportunity has been given to the vendor for a public hearing by the governing body concerning the issuance of the license;

2. The times, place and method for the payment of the *occupancy* tax *and tourism surcharge* to the municipality, the account and other records to be maintained in connection therewith, a procedure for making refunds and resolving disputes relating to the *occupancy* tax ~~[,]~~ *and tourism surcharge,* including exemptions pertaining thereto, the preservation and destruction of records and their inspection and investigation, and, subject to the provisions of subsection 1 of section 23 of this act, a procedure of liens and sales to satisfy such liens; and

3. Other rights, privileges, powers and immunities and other details relating to any licenses, the collection of the occupancy tax *and tourism surcharge* and the remittance of the proceeds thereof to the municipality.

Sec. 13. Section 26 of the Tahoe-Douglas Visitors' Authority Act, being chapter 496, Statutes of Nevada 1997, as amended by chapter 496, Statutes of Nevada 1997, at page 2379, is hereby amended to read as follows:

Sec. 26. 1. From the proceeds of the occupancy tax *and the tourism surcharge* paid by vendors located in the township, the governing body shall:

(a) Pay the principal of, interest on and any prior redemption premiums due in connection with any securities issued by the county pursuant to the Douglas County Lodgers Tax Law which were secured with the proceeds of the occupancy tax collected pursuant to the Douglas County Lodgers Tax Law.

(b) After allocation of those proceeds pursuant to paragraph (a), pay any obligations incurred before July 1, 1997, pursuant to any contractual agreements between the governing body and the Lake Tahoe Visitor's Authority.

2. A portion of the proceeds of the occupancy tax *and the tourism surcharge* paid by vendors located in the Township, not to exceed 1 percent of the amount collected, may be used to collect and administer the *occupancy* tax ~~[.]~~ *and the tourism surcharge.*

3. One-eighth of the proceeds of the occupancy tax paid by vendors located in the Township must be remitted to the Authority.

4. After allocation pursuant to subsections 1, 2 and 3 of the proceeds of the occupancy tax paid by vendors located in the Township, the remaining proceeds must be allocated as follows:

(a) Except as otherwise provided in paragraph (b), for each Fiscal Year beginning on or after July 1, 1999, 50 percent of those proceeds must be retained by the governing body for expenditure in any manner authorized for the expenditure of the proceeds of a tax imposed pursuant to the Douglas County Lodgers Tax Law and 50 percent of those proceeds must be remitted to the Authority.

(b) Except as otherwise provided in paragraph (c), for each Fiscal Year beginning on or after July 1, 2000, the governing body shall revise the allocation required pursuant to this subsection in such a manner that the amount of those proceeds retained by the governing body is reduced, and the amount remitted to the Authority is increased, from the amounts for the prior fiscal year by not less than 2 percent and not more than 5 percent of the total amount of the proceeds allocated pursuant to this subsection, until the amount retained by the governing body for each fiscal year equals 35 percent of those proceeds and the amount remitted to the Authority for each fiscal year equals 65 percent of those proceeds.

(c) The governing body may, for not more than one of the Fiscal Years beginning on or after July 1, 2000, elect not to make a revision otherwise required pursuant to paragraph (b).

5. *After allocation pursuant to subsections 1 and 2 of the proceeds of the tourism surcharge paid by vendors located in the Township, the remaining proceeds must be remitted to the Authority.*

6. The proceeds remitted to the Authority pursuant to subsections 3 , ~~[and]~~ 4 *and 5* must be used exclusively for:

(a) The advertising, publicizing and promotion of tourism and recreation; ~~[and]~~

(b) The planning, construction and operation of a *multiuse event and* convention center in the Township ~~[.]~~ *; and*

(c) The payment of principal and interest on the municipal securities issued pursuant to section 29 of this act.

Sec. 14. This act becomes effective on July 1, 2019.

Senator Parks moved that the Senate concur in Assembly Amendments Nos. 718, 888, 994 to Senate Bill No. 461.

Remarks by Senator Parks.

It is all good.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

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

Motion carried.

Senate in recess at 8:42 p.m.

SENATE IN SESSION

At 11:10 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 440, 443; Assembly Bills Nos. 84, 104, 196, 250, 309, 322, 487, 495, 527, 532, 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Assembly Bills Nos. 224, 297, 320, 331, 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were referred Assembly Bills Nos. 504, 516, 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 Judiciary, to which was referred Assembly Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

NICOLE J. CANNIZZARO, *Chair*

Madam President:

Your Committee on Legislative Operations and Elections, to which was referred Senate Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JAMES OHRENSCHALL, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved the Second Reading File to be considered as the Senate's next order of business..

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 440.
Bill read second time and ordered to third reading.

Senate Bill No. 443.
Bill read second time and ordered to third reading.

Assembly Bill No. 80.
Bill read second time and ordered to third reading.

Assembly Bill No. 84.
Bill read second time and ordered to third reading.

Assembly Bill No. 104.
Bill read second time and ordered to third reading.

Assembly Bill No. 196.
Bill read second time and ordered to third reading.

Assembly Bill No. 224.
Bill read second time and ordered to third reading.

Assembly Bill No. 250.
Bill read second time and ordered to third reading.

Assembly Bill No. 309.
Bill read second time and ordered to third reading.

Assembly Bill No. 322.
Bill read second time and ordered to third reading.

Assembly Bill No. 338.
Bill read second time and ordered to third reading.

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1098.

SUMMARY—Revises provisions governing fingerprinting services. (BDR 14-945)

AN ACT relating to public affairs; ~~[requiring the Director of the Department of Public Safety to adopt regulations governing certain fingerprint businesses and persons who provide fingerprinting services;]~~ requiring the Director to provide for audits to ensure ~~[certain persons comply with such regulations;]~~ compliance with applicable laws, regulations and standards; requiring persons who wish to establish or own certain fingerprint ~~[businesses]~~ facilities to enter into certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Public Safety to adopt certain regulations and provide for certain audits. (NRS 179A.080) Section 5.5 of this bill requires the Director to ~~[adopt regulations governing: (1) certain fingerprint businesses; and (2) persons who provide fingerprinting services for such fingerprint businesses. Section 5.5 further requires the Director to]~~ provide for certain audits to ensure ~~[certain persons comply with such regulations.]~~ compliance with all applicable laws, regulations and standards.

Existing law creates the Central Repository for the Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety. Existing law authorizes the Records, Communications and Compliance Division to request of and receive from the Federal Bureau of Investigation information on the background and personal history of certain persons whose fingerprints the Central Repository submits to the Federal Bureau of Investigation. (NRS 179A.075) Section 5 of this bill requires a person wishing to establish or own a fingerprint ~~[business]~~ facility that transmits or forwards fingerprints to the Central Repository to enter into a contract with the Central Repository.

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

Section 1. Chapter 179A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in NRS 179A.075 to 179A.160, inclusive, and sections 2 to 5, inclusive of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 ~~[, 2.7]~~ and 3 of this act have the meanings ascribed to them in those sections.*

Sec. 2.3. (Deleted by amendment.)

Sec. 2.5. *1. "Fingerprint ~~[business"]~~ facility" means a ~~[business]~~ facility located in this State which uses fingerprinting and network equipment to provide fingerprinting services. The term includes, without limitation, such a ~~[business]~~ facility that provides mobile fingerprinting services.*

2. The term does not include:

(a) Any local, state or federal agency, including, without limitation, any law enforcement agency; or

(b) A facility where fingerprinting services are rendered that does not transmit or forward the biometric data in the form of fingerprints to the Central Repository.

Sec. 2.7. ~~[*"Fingerprint technician" means a person who provides fingerprinting services for a fingerprint business.*]~~ (Deleted by amendment.)

Sec. 3. *"Fingerprinting service" means the act of collecting, including, without limitation, collecting electronically, biometric data in the form of fingerprints.*

Sec. 4. (Deleted by amendment.)

Sec. 4.5. ~~[*The provisions of sections 2 to 5, inclusive, of this act and the regulations adopted by the Director of the Department pursuant to subsection 4 of NRS 179A.080 do not apply to:*~~

~~*1. Any local, state or federal agency, including, without limitation, any law enforcement agency; or*~~

~~*2. A business where fingerprinting services are rendered that does not transmit or forward the biometric data in the form of fingerprints to the Central Repository.*]~~ (Deleted by amendment.)

Sec. 5. *A person who wishes to establish or own a fingerprint* ~~[*business*]~~ *facility that transmits or forwards to the Central Repository the biometric data in the form of fingerprints must enter into a contract with the Central Repository.*

Sec. 5.5. NRS 179A.080 is hereby amended to read as follows:

179A.080 The Director of the Department is responsible for administering this chapter and may adopt regulations for that purpose. The Director shall:

1. Adopt regulations for the security of the Central Repository so that it is adequately protected from fire, theft, loss, destruction, other hazards and unauthorized access.

2. Adopt regulations and standards for personnel employed by agencies of criminal justice in positions of responsibility for maintenance and dissemination of information relating to records of criminal history and information disseminated pursuant to federal laws and regulations.

3. Provide for audits of informational systems by qualified public or private agencies, organizations or persons.

4. ~~[*Adopt regulations governing fingerprint businesses, including, without limitation, the persons who establish or own such businesses, and fingerprint technicians. Such regulations must govern:*~~

~~*(a) The use of fingerprinting equipment; and*~~

~~*(b) The qualifications a person must meet to:*~~

~~*(1) Establish or own a fingerprint business; or*~~

~~*(2) Act as a fingerprint technician.*~~

~~5.]~~ *Provide for* ~~[an audit]~~ *preliminary and periodic audits of fingerprinting and network equipment to ensure compliance with* ~~[the regulations adopted pursuant to subsection 4:~~

~~(a) If applicable, before a person may:~~

~~(1) Establish or own a fingerprint business; or~~

~~(2) Act as a fingerprint technician; and~~

~~(b) By a person who:~~

~~(1) Establishes or owns a fingerprint business; or~~

~~(2) Acts as a fingerprint technician.]~~ *all applicable laws, regulations and standards.*

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary and administrative tasks necessary to carry out the provisions of this act and on January 1, 2020, for all other purposes.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 1098 to Assembly Bill No. 425 removes provisions requiring the Director of the Department of Public Safety to adopt regulations regarding fingerprinting businesses. Instead, it provides that the Director is to conduct certain audits to ensure compliance with applicable laws, regulations and standards, and it changes the word "business" to "facility" for accuracy.

Amendment adopted.

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

Assembly Bill No. 487.
Bill read second time and ordered to third reading.

Assembly Bill No. 495.
Bill read second time and ordered to third reading.

Assembly Bill No. 504.
Bill read second time.
The following amendment was proposed by the Committee on Finance:
Amendment No. 1101.

SUMMARY—Makes appropriations to the State Department of Agriculture for ~~[water conservation projects,]~~ the purchase of replacement vehicles and the purchase and replacement of laboratory equipment. (BDR S-1177)

AN ACT making appropriations to the State Department of Agriculture for ~~[water conservation projects,]~~ the purchase of replacement vehicles and the purchase and replacement of laboratory equipment; and providing other matters properly relating thereto.

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

Section 1. 1. ~~[There is hereby appropriated from the State General Fund to the State Department of Agriculture, Plant Health and Quarantine Services, the sum of $125,000 for water conservation projects to facilitate the modernization of techniques for irrigation and water storage for the agricultural and ranching industries.~~

~~2.]~~ There is hereby appropriated from the State General Fund to the State Department of Agriculture, Livestock Enforcement, the sum of ~~[$100,000]~~ $225,000 for the purchase of ~~[two]~~ four replacement vehicles that are equipped to carry out law enforcement functions.

~~[3.]~~ 2. There is hereby appropriated from the State General Fund to the State Department of Agriculture, Veterinary Medical Services, the sum of $159,605 for new laboratory equipment.

~~[4.]~~ 3. There is hereby appropriated from the State General Fund to the State Department of Agriculture, Veterinary Medical Services, the sum of $14,479 for the replacement of laboratory equipment.

Sec. 2. Any remaining balance of the appropriations 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. 1011 to Assembly Bill No. 504 removes the $125,000 General Fund appropriation to the Plant Health and Quarantine Services Budget for water conservation projects and also increases the amount appropriated from the General Fund to the Livestock Enforcement Budget for replacement vehicles for the Department's Agriculture Enforcement officers from $100,000 to $225,000.

Amendment adopted.

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

Assembly Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1058.

SUMMARY—Makes ~~[appropriations]~~ an appropriation to the Interim Finance Committee for the unanticipated costs related to the implementation of Marsy's Law. (BDR S-1229)

AN ACT making ~~[appropriations]~~ an appropriation to the Interim Finance Committee for the unanticipated costs related to the implementation of Marsy's Law; 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 Interim Finance Committee the sum of $10,000,000 for the unanticipated costs related to the implementation of Senate Joint Resolution No. 17 of the 78th Session of the Nevada Legislature, as approved and ratified by the people at the 2018 General Election, and commonly known as Marsy's Law. ~~[the following sums:~~

~~For the Fiscal Year 2019-2020..... $5,000,000~~

~~For the Fiscal Year 2020-2021..... $5,000,000]~~

Sec. 2. ~~[The sums appropriated by section 1 of this act are available for either fiscal year.]~~ Any remaining balance of ~~[those sums]~~ 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 ~~[on July 1, 2019.]~~ upon passage and approval.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1058 to Assembly Bill No. 516 consolidates the two, $5 million General Fund appropriations into one, $10 million appropriation. In addition, the amendment adjusts the

effective date from July 1, 2019, to upon passage and approval in order to utilize Fiscal Year 2019 funds.

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

Assembly Bill No. 527.
Bill read second time and ordered to third reading.

Assembly Bill No. 532.
Bill read second time and ordered to third reading.

Assembly Bill No. 540.
Bill read second time and ordered to third reading.

Senator Ratti moved that the Senate recess subject to the call of the Chair.
Motion carried.

Senate in recess at 11:20 p.m.

SENATE IN SESSION

At 11:49 p.m.
President Marshall presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved the sixth Agenda to be considered as the Senate's next order of business.
Motion carried.

REPORTS OF COMMITTEE

Madam President:

Your Committee on Finance, to which were referred Senate Bills Nos. 303, 551; Assembly Bill No. 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOYCE WOODHOUSE, *Chair*

Madam President:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIA RATTI, *Chair*

Madam President:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 81, 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

NICOLE J. CANNIZZARO, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 303.
Bill read second time and ordered to third reading.

Senate Bill No. 551.

Bill read second time and ordered to third reading.

Assembly Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1102.

SUMMARY—Makes various changes relating to the oversight and provision of legal representation of indigent defendants in criminal cases. (BDR 14-436)

AN ACT relating to criminal defense; creating the Department of Indigent Defense Services to oversee criminal defense services provided to indigent persons in this State; creating the Board on Indigent Defense Services consisting of various appointed persons to ~~[oversee the]~~ provide certain direction and advice to the Executive Director of the Department and to establish certain policies; requiring the Board to establish the maximum amount a county may be required to pay for the provision of indigent defense services; authorizing the Board to adopt regulations governing indigent defense services; providing for the transfer of responsibility for the provision of indigent defense services from certain counties to the State Public Defender in certain circumstances; allowing such services to be transferred back to the county in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Senate Bill No. 377 of the 2017 Legislative Session created the Nevada Right to Counsel Commission consisting of 13 voting members appointed by the Governor, the Legislature and the Nevada Supreme Court. The Chief Justice of the Supreme Court or his or her designee was to serve as an ex officio nonvoting member of the Commission. The Commission was charged with conducting a study during the 2017-2019 interim concerning issues relating to the provision of legal representation of indigent persons in criminal cases in this State. (Chapter 460, Statutes of Nevada 2017, p. 2940) The Commission is set to expire on July 1, 2019. In its place, section 6 of this bill creates the Board on Indigent Defense Services and designates the manner in which members must be appointed. Members of the Board serve without compensation, except for per diem allowance and travel expenses. Section 7 of this bill provides for the organization of the Board, whose voting members will serve for terms of 3 years and may be reappointed. Voting members may be removed by the Governor for incompetence, neglect of duty and certain acts. Section 8 of this bill sets forth the duties of the Board, which include ~~[overseeing]~~ providing certain direction and advice to the Executive Director of the Department of Indigent Defense Services, which is created in section 9 of this bill. The Executive Director of the Department serves at the pleasure of the ~~[Board.]~~ Governor but may only be removed for cause. The Board is required to review information concerning indigent defense services in the

State and establish: (1) minimum standards for the delivery of indigent defense services; and (2) procedures for receiving and resolving complaints concerning the provision of indigent defense services. The Board is further required to establish standards for providing indigent defense services, which include continuing education requirements for attorneys who provide indigent defense services, uniform tracking of information by such attorneys and guidelines for maximum caseloads of such attorneys. Section 8 further requires the Board to work with the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, to determine incentives to recommend offering law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.

Section 10 of this bill establishes the duties of the Executive Director of the Department of Indigent Defense Services, which include overseeing the functions of the Department, serving as Secretary of the Board, reporting to the Board regarding the work of the Department, developing the budget for the Department and preparing an annual report for submission to the Nevada Supreme Court, the Legislature and the Governor.

Section 11 of this bill requires the Executive Director to select two deputy directors. Section 12 of this bill makes one deputy director responsible for overseeing the provision of indigent defense services in certain smaller counties. This includes having oversight of the State Public Defender, who is moved from the Department of Health and Human Services to the Department of Indigent Defense Services in sections 17-19, 21 and 24-26 of this bill. In addition, section 12 charges this deputy director with determining whether attorneys are eligible to provide indigent defense services in accordance with the requirements established by the Board. This deputy director will also develop and provide continuing legal education programs for attorneys who provide indigent defense services and identify and encourage best practices for delivering effective indigent defense services.

Section 13 of this bill makes the second deputy director responsible for reviewing the manner in which indigent defense services are provided throughout the State. This deputy director will collect information from attorneys about caseloads, salaries and other information and will conduct on-site visits to determine whether indigent defense services are being provided in the most efficient and constitutional manner. If the deputy director determines that a county is not providing such services in a manner which satisfies minimum standards that are established by the Board, section 13 requires the deputy director to establish a corrective action plan with the board of county commissioners for the county. Section 14 of this bill requires such a plan to be ~~[agreed to by]~~ established in collaboration between the board of county commissioners and the deputy director and then must be submitted to and approved by the Board. If the board of county commissioners will have to spend more money than was budgeted in the previous year plus inflation to comply with the plan, section 14 requires the Executive Director to include the additional amount in the budget for the Department to help support the county

in providing indigent defense services. If additional money is needed before the next budget cycle, the Executive Director is required to submit a request to the Interim Finance Committee for money from the Contingency Account. If the budget is not approved with the additional amount for the county, a county that is not required to have an office of public defender, which currently means a county other than Clark and Washoe Counties, has the option to continue providing indigent defense services or transfer responsibility for providing such services to the State Public Defender. In addition, if the county fails to meet the minimum standards for the provision of indigent defense services within the time set in the corrective action plan, section 14 requires the deputy director to inform the Executive Director, who may then recommend establishing another corrective action plan . ~~[or]~~ For a county that is not required to have an office of public defender (currently all counties other than Clark and Washoe Counties), the Executive Director may instead recommend requiring the county to transfer responsibility for provision of indigent defense services to the State Public Defender. Any recommendation of the Executive Director is required to be submitted to and approved by the Board. Once approved, the county is required to comply with the decision of the Board. In addition, section 8 requires the Board to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services. This cap also applies when determining the county responsibility in sections 14 and 23 of this bill.

Sections 20 and 28 of this bill remove obsolete language which requires the State Public Defender and the county public defender to provide indigent defense services within the limits of available money to conform with the provisions of this bill that require appropriate representation be provided to indigent defendants in every case. Existing law provides for a State Public Defender and requires certain large counties to establish an office of public defender. (NRS 180.010, 260.010) Smaller counties are authorized, but not required, to establish an office of public defender. (NRS 260.010) Sections 22 and 27 of this bill revise these provisions to address their applicability when a county is required to transfer responsibility for the provision of indigent defense services to the State Public Defender. (NRS 180.090, 260.010) Section 27 further requires each board of county commissioners to cooperate with the Board on Indigent Defense Services and the Department of Indigent Defense Services.

Existing law requires the public defender for a county to make an annual report to the board of county commissioners. (NRS 260.070) Section 29 of this bill also requires the public defender to make an annual report to the Department of Indigent Defense Services and further requires the board of county commissioners of a county that has a public defender or which contracts for indigent defense services to provide an annual report to the Department with such information as requested by the Department.

Section 31 of this bill continues certain definitions applicable to the chapter governing the State Public Defender that were set to expire. Section 31.3 of

this bill staggers the terms of the members of the Board so that approximately 30 percent of the members will be appointed each year.

WHEREAS, Section 1 of Article 1 of the Nevada Constitution recognizes the inalienable right of persons to defend life and liberty; and

WHEREAS, The State is committed to protecting the individual liberties of persons in this State; and

WHEREAS, Section 2 of Article 1 of the Nevada Constitution acknowledges that the paramount allegiance of every citizen is due to the Federal Government in the exercise of all its constitutional powers as have been or may be defined by the Supreme Court of the United States; and

WHEREAS, Under the Sixth and Fourteenth Amendments to the Constitution of the United States, the obligation to provide effective representation to accused indigent persons at each critical stage of criminal and delinquency proceedings rests with the states; and

WHEREAS, Accordingly, it is the obligation of the Legislature to provide the general framework and resources necessary for the provision of indigent defense services in this State; and

WHEREAS, Although various counties in the State have accepted a large part of the responsibility for the provision of indigent defense, the State remains ultimately responsible for ensuring that such indigent defense services are properly funded and carried out; and

WHEREAS, The Legislature must ensure that adequate public funding is made available so that indigent defense services are provided by qualified and competent

counsel in a manner that is fair and consistent throughout the State and at all critical stages of a criminal proceeding; and

WHEREAS, The Legislature must further ensure proper oversight of the provision of defense to indigent persons in this State and respond quickly, effectively and adequately to guarantee that the constitutional mandate of effective assistance of counsel is met; now, therefore

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

Section 1. NRS 171.188 is hereby amended to read as follows:

171.188 1. Any defendant charged with a public offense who is an indigent may, by oral statement to the district judge, justice of the peace, municipal judge or master, request the appointment of an attorney to represent the defendant. *The record in each such case must indicate that the defendant was provided an opportunity to make an oral statement and whether the defendant made such a statement or declined to request the appointment of an attorney. If the defendant declined to request the appointment of an attorney, the record must also indicate that the decision to decline was made knowingly and voluntarily and with an understanding of the consequences.*

2. The request must be accompanied by the defendant's affidavit, which must state:

(a) That the defendant is without means of employing an attorney; and

(b) Facts with some particularity, definiteness and certainty concerning the defendant's financial disability.

3. The district judge, justice of the peace, municipal judge or master shall forthwith consider the application and shall make such further inquiry as he or she considers necessary. If the district judge, justice of the peace, municipal judge or master:

(a) Finds that the defendant is without means of employing an attorney; and

(b) Otherwise determines that representation is required,

➥ the judge, justice or master shall designate the public defender of the county or the State Public Defender, as appropriate, to represent the defendant. If the appropriate public defender is unable to represent the defendant, or other good cause appears, another attorney must be appointed.

4. The county or State Public Defender must be reimbursed by the city for costs incurred in appearing in municipal court. The county shall reimburse the State Public Defender for costs incurred in appearing in Justice Court ~~[.]~~ , *unless the county has transferred the responsibility to provide all indigent defense services for the county to the State Public Defender pursuant to section 14 of this act.* If a private attorney is appointed as provided in this section, the private attorney must be reimbursed by the county for appearance in Justice Court or the city for appearance in municipal court in an amount not to exceed $75 per case.

Sec. 1.5. NRS 178.397 is hereby amended to read as follows:

178.397 Every defendant accused of a *misdemeanor for which jail time may be imposed, a* gross misdemeanor or *a* felony *and* who is financially unable to obtain counsel is entitled to have counsel assigned to represent the defendant at every stage of the proceedings from the defendant's initial appearance before a magistrate or the court through appeal, unless the defendant waives such appointment.

Sec. 2. Chapter 180 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 15, inclusive of this act.

Sec. 3. *"Board" means the Board on Indigent Defense Services created by section 6 of this act.*

Sec. 3.5. *"Department" means the Department of Indigent Defense Services created by section 9 of this act.*

Sec. 4. *"Executive Director" means the Executive Director of the Department.*

Sec. 5. (Deleted by amendment.)

Sec. 6. *1. There is hereby created a Board on Indigent Defense Services within the Department of Indigent Defense Services, consisting of:*

(a) Thirteen voting members appointed as follows:

(1) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada, appointed by the Majority Leader of the Senate.

(2) One member who has expertise in the finances of State Government, appointed by the Speaker of the Assembly.

(3) One member appointed by the Chief Justice of the Nevada Supreme Court who:

(I) Is a retired judge or justice who no longer serves as a judge or justice in any capacity; or

(II) Has expertise in juvenile justice and criminal law.

(4) One member who is an attorney licensed in this State and a member in good standing of the State Bar of Nevada appointed by the Governor.

(5) One member selected by the Board of Governors of the State Bar of Nevada, appointed by the Governor, who:

(I) Is an attorney licensed in this State and a member in good standing of the State Bar of Nevada; and

(II) Resides in a county whose population is less than 100,000.

(6) Four members selected by the Nevada Association of Counties who reside in a county whose population is less than 100,000, appointed by the Governor. One member must have expertise in the finances of local government.

(7) Two members selected by the Board of County Commissioners of Clark County, appointed by the Governor.

(8) One member selected by the Board of County Commissioners of Washoe County, appointed by the Governor.

(9) One member selected jointly by the associations of the State Bar of Nevada who represent members of racial or ethnic minorities, appointed by the Governor.

(b) The Chief Justice of the Nevada Supreme Court may designate one person to serve as a nonvoting member to represent the interests of the Court.

2. In addition to the members appointed pursuant to subsection 1, the Governor may appoint up to two additional nonvoting members, one of whom must be upon the recommendation of the Board of Governors of the State Bar of Nevada.

3. Each person appointed to the Board must have:

(a) Significant experience providing legal representation to indigent persons who are charged with public offenses or to children who are alleged to be delinquent or in need of supervision;

(b) A demonstrated commitment to providing effective legal representation to such indigent persons; or

(c) Expertise or experience, as determined by the appointing authority, which qualifies the person to contribute to the purpose of the Board or to carrying out any of its functions.

4. A person must not be appointed to the Board if he or she is currently serving or employed as:

(a) A judge, justice or judicial officer;

(b) A Legislator or other state officer or employee;

(c) A prosecuting attorney or an employee thereof;

(d) A law enforcement officer or employee of a law enforcement agency; or

(e) An attorney who in his or her position may obtain any financial benefit from the policies adopted by the Board.

5. A person must not be appointed to the Board if he or she is currently employed:

(a) Within the Department of Indigent Defense Services;

(b) By a public defender; or

(c) By any other attorney who provides indigent defense services pursuant to a contract with a county.

6. Each member of the Board:

(a) Serves without compensation; and

(b) While engaged in the business of the Board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Board who is an officer or employee of a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A local government shall not require an officer or employee who is a member of the Board to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

Sec. 7. *1. Except as otherwise provided in this section, the voting members of the Board on Indigent Defense Services are appointed for a term of 3 years and may be reappointed.*

2. The Chair of the Board must be selected at the first meeting from among the voting members of the Board and serves until July 1 of the next year. The Chair for the following year must be selected in the same manner before the expiration of the current term of the sitting Chair. The Chair may be selected to serve another term as Chair.

3. The Governor may remove a voting member of the Board for incompetence, neglect of duty, committing any act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause.

4. A vacancy on the Board must be filled in the same manner as the original appointment by the appointing authority for the remainder of the unexpired term.

5. The Board shall meet regularly upon a call of the Chair. An affirmative vote of a majority of the members of the Board is required to take any action.

Sec. 8. *1. The Board on Indigent Defense Services ~~[shall oversee the Executive Director and provide recommendations and advice concerning the administration of the Department. The Board]~~ shall:*

(a) Receive reports from the Executive Director and provide direction to the Executive Director concerning measures to be taken by the Department to

ensure that indigent defense services are provided in an effective manner throughout this State.

(b) Review information from the Department regarding caseloads of attorneys who provide indigent defense services.

(c) Direct the Executive Director to conduct any additional audit, investigation or review the Board deems necessary to determine whether minimum standards in the provision of indigent defense services are being followed and provided in compliance with constitutional requirements.

(d) Work with the Executive Director to develop procedures for the mandatory collection of data concerning the provision of indigent defense services, including the manner in which such services are provided.

(e) Provide direction to the Executive Director concerning annual reports and review drafts of such reports.

(f) Review and approve the budget for the Department.

(g) Review any recommendations of the Executive Director concerning improvements to the criminal justice system and legislation to improve the provision of indigent defense services in this State.

(h) Provide advice and recommendations to the Executive Director on any other matter.

2. In addition to the duties set forth in subsection 1, the Board shall:

(a) Establish minimum standards for the delivery of indigent defense services to ensure that such services meet the constitutional requirements and do not create any type of economic disincentive or impair the ability of the defense attorney to provide effective representation.

(b) Establish a procedure to receive complaints and recommendations concerning the provision of indigent defense services from any interested person including, without limitation, judges, defendants, attorneys and members of the public.

(c) Work with the Department to develop resolutions to complaints or to carry out recommendations.

(d) Adopt regulations establishing standards for the provision of indigent defense services including, without limitation:

(1) Establishing requirements for specific continuing education and experience for attorneys who provide indigent defense services.

(2) Requiring attorneys who provide indigent defense services to track their time and provide reports, and requiring the State Public Defender and counties that employ attorneys or otherwise contract for the provision of indigent defense services to require or include a provision in the employment or other contract requiring compliance with the regulations.

(3) Establishing standards to ensure that attorneys who provide indigent defense services track and report information in a uniform manner.

(4) Establishing guidelines to be used to determine the maximum caseloads for attorneys who provide indigent defense services.

(5) Requiring the Department of Indigent Defense Services and each county that employs or contracts for the provision of indigent defense

services to ensure, to the greatest extent possible, consistency in the representation of indigent defendants so that the same attorney represents a defendant through every stage of the case without delegating the representation to others, except that administrative and other tasks which do not affect the rights of the defendant may be delegated. A provision must be included in each employment or other contract of an attorney providing indigent defense services to require compliance with the regulations.

(e) Establish recommendations for the manner in which an attorney who is appointed to provide indigent defense services may request and receive reimbursement for expenses related to trial, including, without limitation, expenses for expert witnesses and investigators.

(f) Work with the Executive Director and the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, or his or her designee, to determine incentives to recommend offering to law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.

(g) Review laws and recommend legislation to ensure indigent defendants are represented in the most effective and constitutional manner.

3. The Board shall adopt regulations to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services.

4. The Board shall adopt any additional regulations it deems necessary or convenient to carry out the duties of the Board and the provisions of this chapter.

Sec. 9. *1. The Department of Indigent Defense Services is hereby created.*

2. The Executive Director of the Department must be appointed by the Governor from a list of three persons recommended by the Board.

3. The Executive Director:

(a) Is in the unclassified service of this State;

(b) Serves at the pleasure of the ~~[Board on Indigent Defense Services,]~~ Governor, except that the Executive Director may only be removed upon a finding of incompetence, neglect of duty, commission of an act that constitutes moral turpitude, misfeasance, malfeasance or nonfeasance in office or for any other good cause;

(c) Must be an attorney licensed to practice law in the State of Nevada; and

(d) Must devote his or her entire time to his or her duties and shall not engage in any other gainful employment or occupation.

4. The Executive Director may, within the limits of money available for this purpose, employ or enter into a contract for the services of such employees or consultants as is necessary to carry out the provisions of this chapter.

Sec. 10. *1. The Executive Director shall:*

(a) Oversee all of the functions of the Department of Indigent Defense Services;

(b) Serve as the Secretary of the Board without additional compensation;

(c) Report to the Board on Indigent Defense Services regarding the work of the Department and provide such information to the Board as directed by the Board;

(d) Assist the Board in determining necessary and appropriate regulations to assist in carrying out the responsibilities of the Department;

(e) Establish the proposed budget for the Department and submit the proposed budget for approval of the Board;

(f) Prepare an annual report concerning indigent defense services in this State which includes information collected by the Department and such other information as requested by the Board; and

(g) Take any other actions necessary to ensure that adequate and appropriate indigent defense services are provided in this State.

2. The report prepared pursuant to paragraph (f) of subsection 1 must be submitted for ~~[approval of]~~ input from the Board. The final report must be submitted on or before July 1 of each year to the Nevada Supreme Court, the Legislature and the Office of the Governor. The report may include any recommendations for legislation to improve indigent defense services in this State.

Sec. 11. *1. In addition to the Executive Director, the Department must include not fewer than two deputy directors selected by the Executive Director who serve at the pleasure of the Executive Director.*

2. The deputy directors:

(a) Must be attorneys licensed to practice law in the State of Nevada;

(b) Are in the unclassified service of this State; and

(c) Shall devote their entire time to their duties and shall not engage in any other gainful employment or occupation.

Sec. 12. *One deputy director selected pursuant to section 11 of this act must be responsible for:*

1. Overseeing the provision of indigent defense services in counties whose population is less than 100,000. Such oversight must include, without limitation:

(a) Oversight of the State Public Defender; and

(b) Determining whether attorneys meet the requirements established by the Board on Indigent Defense Services to be eligible to provide indigent defense services and maintaining a list of such attorneys.

2. Developing and providing continuing legal education programs for attorneys who provide indigent defense services.

3. Identifying and encouraging best practices for delivering the most effective indigent defense services.

4. Providing assistance to counties that must revise the manner in which indigent defense services are provided as a result of the regulations adopted by the Board pursuant to section 8 of this act. Such assistance may include, without limitation, assistance developing a plan and estimating the cost to carry out the plan.

Sec. 13. *One deputy director selected pursuant to section 11 of this act must be responsible for reviewing the manner in which indigent defense services are provided throughout the State. To carry out this responsibility, the deputy director shall:*

1. Obtain information from attorneys relating to caseloads, salaries paid to criminal defense attorneys and the manner in which indigent defense services are provided.

2. Conduct on-site visits of court proceedings throughout the State to determine the manner in which indigent defense services are provided, including, without limitation, whether:

(a) Minimum standards for the provision of indigent defense services established by the Board on Indigent Defense Services are being followed;

(b) Court rules regarding the provision of indigent defense services are being followed;

(c) Indigent defendants are being asked to provide reimbursement for their representation or to take any other actions that violate the constitution, any law, a court rule or a regulation of the Board; and

(d) Representation of indigent defendants is being provided in an effective manner.

3. Report to the other deputy director upon a determination that any person is providing indigent defense services in an ineffective or otherwise inappropriate manner.

4. Recommend entering into a corrective action plan with any board of county commissioners of a county which is not meeting the minimum standards for the provision of indigent defense services or is in any other manner deficient in the provision of such services.

Sec. 14. *1. If a corrective action plan is recommended pursuant to section 13 of this act, the deputy director and the board of county commissioners must ~~[agree]~~ collaborate on the manner in which the county will meet the minimum standards for the provision of indigent defense services and the time by which the county must meet those minimum standards. Any disagreement must be resolved by the Board. Each corrective action plan must be submitted to and approved by the Board.*

2. If the plan established pursuant to subsection 1 will cause the county to expend more money than budgeted by the county in the previous budget year plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the county in the next budget for the Department of Indigent Defense Services to help support the indigent defense services provided by the county. If additional money is needed to carry out the plan before the next budget cycle, the Executive Director shall submit a request to the Interim Finance Committee for an allocation from the Contingency Account pursuant to NRS 353.266 to cover the additional costs.

3. For any county that is not required to have an office of public defender pursuant to NRS 260.010, if the additional amount included in the budget of the Department pursuant to subsection 2 is not approved, the board of county

commissioners for the county to which the amount applies may determine whether to continue providing indigent defense services for the county or enter into an agreement with the Executive Director to transfer responsibility for the provision of such services to the State Public Defender.

4. If a county does not meet the minimum standards for the provision of indigent defense services within the period established in the corrective action plan for the county, the deputy director shall inform the Executive Director.

5. Upon being informed by the deputy director pursuant to subsection 4 that a county has not complied with a corrective action plan, the Executive Director must review information regarding the provision of indigent defense services in the county and determine whether to recommend establishing another corrective action plan with the board of county commissioners of the county . ~~*[or to require]*~~ *For a county that is not required to have an office of public defender pursuant to NRS 260.010, the Executive Director may instead recommend requiring the board of county commissioners to transfer responsibility for the provision of all indigent defense services for the county to the State Public Defender. The recommendation of the Executive Director must be submitted to and approved by the Board. Once approved, the board of county commissioners shall comply with the decision of the Board.*

6. If a county is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender:

(a) The board of county commissioners for the county shall notify the State Public Defender in writing on or before March 1 of the next odd-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the same year in which the notice was given, as determined by the Executive Director.

(b) The board of county commissioners for the county shall pay the State Public Defender in the same manner and in an amount determined in the same manner as other counties for which the State Public Defender has responsibility for the provision of indigent defense services. The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to section 8 of this act.

Sec. 15. *1. A county that transfers responsibility for the provision of indigent defense services to the State Public Defender pursuant to section 14 of this act may seek to have the responsibility transferred back to the county by submitting a request to the Executive Director in writing on or before December 31 of an even-numbered year.*

2. Upon finding that the county is able to meet minimum standards for the provision of indigent defense services, the Executive Director shall approve transferring the responsibility for the provision of indigent defense services to the county.

3. If the Executive Director denies a request to transfer responsibility for the provision of indigent defense services to a county, the Executive Director

must inform the board of county commissioners for the county of the reasons for the denial and the issues that must be resolved before the responsibility for the provision of indigent defense services will be transferred to the county.

4. If the Executive Director approves a request to transfer responsibility for the provision of indigent defense services to the county, the board of county commissioners for the county shall notify the State Public Defender in writing on or before March 1 of the next odd-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the same year in which the notice was given, as determined by the Executive Director.

Sec. 16. NRS 180.002 is hereby amended to read as follows:

180.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 180.003 and 180.004 *and sections 3, 3.5 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 17. NRS 180.010 is hereby amended to read as follows:

180.010 1. The Office of State Public Defender is hereby created within the Department of ~~[Health and Human]~~ *Indigent Defense* Services.

2. The Governor shall appoint the State Public Defender for a term of 4 years, and until a successor is appointed and qualified.

3. *The State Public Defender is responsible to the Executive Director.*

4. The State Public Defender:

(a) Must be an attorney licensed to practice law in the State of Nevada.

(b) Is in the unclassified service of the State ~~[.]~~ *and serves at the pleasure of the Executive Director.*

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

~~[4.]~~ *5.* No officer or agency of the State, other than the ~~[Governor and the Director of the Department of Health and Human Services,]~~ *Executive Director and the deputy director selected by the Executive Director pursuant to section 11 of this act who is responsible for carrying out the duties provided in section 12 of this act* may supervise the State Public Defender. No officer or agency of the State, other than the ~~[Governor,]~~ *Executive Director or deputy director selected by the Executive Director pursuant to section 11 of this act who is responsible for carrying out the duties provided in section 12 of this act* may assign the State Public Defender duties in addition to those prescribed by this chapter.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 180.060 is hereby amended to read as follows:

180.060 1. The State Public Defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when the indigent person has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The State Public Defender shall, when designated pursuant to NRS 62D.030, 62D.100, 171.188 or 432B.420, ~~[and within the limits of~~

~~available money,]~~ represent without charge each indigent person for whom the State Public Defender is appointed.

3. When representing an indigent person, the State Public Defender shall:

(a) Counsel and defend the indigent person at every stage of the proceedings, including revocation of probation or parole; and

(b) Prosecute any appeals or other remedies before or after conviction that the State Public Defender considers to be in the interests of justice.

4. In cases of postconviction proceedings and appeals arising in counties in which the office of public defender has been created pursuant to the provisions of chapter 260 of NRS, where the matter is to be presented to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution, the State Public Defender shall prepare and present the case and the public defender of the county shall assist and cooperate with the State Public Defender.

5. The State Public Defender may contract with any county in which the office of public defender has been created to provide representation for indigent persons when the court, for cause, disqualifies the county public defender or when the county public defender is otherwise unable to provide representation.

Sec. 21. NRS 180.080 is hereby amended to read as follows:

180.080 1. The State Public Defender shall submit:

(a) A report on or before December 1 of each year to the ~~[Governor]~~ *Executive Director* and to each participating county containing a statement of:

(1) The number of cases that are pending in each participating county;

(2) The number of cases in each participating county that were closed in the previous fiscal year;

(3) The total number of criminal defendants represented in each participating county with separate categories specifying the crimes charged and whether the defendant was less than 18 years of age or an adult;

(4) The total number of working hours spent by the State Public Defender and the State Public Defender's staff on work for each participating county; ~~[and]~~

(5) The amount and categories of the expenditures made by the State Public Defender's office ~~[.]~~ *; and*

(6) Such other information as requested by the Executive Director of the Department of Indigent Defense Services or the Board on Indigent Defense Services.

(b) To each participating county, on or before December 1 of each even-numbered year, the total proposed budget of the State Public Defender for that county, including the projected number of cases and the projected cost of services attributed to the county for the next biennium.

(c) Such reports to the Legislative Commission as the regulations of the Commission require.

2. As used in this section, "participating county" means each county in which the ~~[office of public defender has not been created pursuant to NRS 260.010.]~~ *State Public Defender acts as the public defender for the county.*

Sec. 22. NRS 180.090 is hereby amended to read as follows:

180.090 Except as provided in subsections 4 and 5 of NRS 180.060, the provisions of ~~[this chapter]~~ *NRS 180.010 to 180.100, inclusive,* apply only to counties in which the office of public defender has not been created pursuant to the provisions of chapter 260 of NRS.

Sec. 23. NRS 180.110 is hereby amended to read as follows:

180.110 1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the State Public Defender's services during that year. *The amount that a county may be required to pay must not exceed the maximum amount determined using the formula established by the Board pursuant to section 8 of this act.*

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

➥ The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and shall expend the money in accordance with the State Public Defender's approved budget.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive,

432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 27. NRS 260.010 is hereby amended to read as follows:

260.010 1. In counties whose population is 100,000 or more, the boards of county commissioners shall ~~[create]~~ *provide* by ordinance *for* the office of public defender.

2. Except as otherwise provided by subsection 4 ~~[,]~~ *and except if the county voluntarily transfers or has been required to transfer responsibility for the provision of indigent defense services to the State Public Defender pursuant to section 14 of this act,* in counties whose population is less than 100,000, boards of county commissioners may in their respective counties ~~[create]~~ *provide* by ordinance, at the beginning of a fiscal year, *for* the office of public defender.

3. Except as otherwise provided in subsection 4, if a board of county commissioners intends to ~~[create]~~ *provide by ordinance for* the office of county public defender, the board shall notify the State Public Defender in writing on or before March 1 of any odd-numbered year and the office may not be created before July 1 of the same year in which the notice was given.

4. If the county contribution approved by the Legislature exceeds the estimate provided to the county on December 1 by more than 10 percent for either year of the biennium, the board of county commissioners may ~~[create]~~ *provide for* the office of county public defender on July 1 of the next even-numbered year if the board notifies the State Public Defender on or before March 1 of the same year in which the office is to be created.

5. The office of public defender when created must be filled by appointment by the board of county commissioners.

6. The public defender serves at the pleasure of the board of county commissioners.

7. Each board of county commissioners shall cooperate with the Board on Indigent Defense Services created by section 6 of this act and the Department of Indigent Defense Services created by section 9 of this act. The board of county commissioners shall:

(a) Ensure that data and information requested by the Board or Department is collected and maintained; and

(b) Provide such information and reports concerning the provision of indigent defense services as requested by the Board or the Department.

8. As used in this section, "indigent defense services" has the meaning ascribed to it in NRS 180.004.

Sec. 28. NRS 260.050 is hereby amended to read as follows:

260.050 1. The public defender may, before being designated as counsel for that person pursuant to NRS 171.188, interview an indigent person when he or she has been arrested and confined for a public offense or for questioning on suspicion of having committed a public offense.

2. The public defender shall, when designated pursuant to NRS 62D.030, 171.188 or 432B.420, ~~[and within the limits of available money,]~~ represent without charge each indigent person for whom he or she is appointed.

3. When representing an indigent person, the public defender shall:

(a) Counsel and defend the person at every stage of the proceedings, including revocation of probation or parole; and

(b) Prosecute, subject to the provisions of subsection 4 of NRS 180.060, any appeals or other remedies before or after conviction that he or she considers to be in the interests of justice.

Sec. 29. NRS 260.070 is hereby amended to read as follows:

260.070 *1.* The public defender shall make an annual report to ~~[the]~~ *:*

(a) The board of county commissioners covering all cases handled by his or her office during the preceding year.

(b) The Department of Indigent Defense Services created by section 9 of this act which includes any information required by the Department.

2. The board of county commissioners of each county with a public defender or which contracts for indigent defense services shall provide an annual report to the Department on or before May 1 of each year. The report must include any information requested by the Department concerning the provision of indigent defense services in the county and must include, without limitation, the plan for the provision of indigent defense services for the county for the next fiscal year.

3. As used in this section, "indigent defense services" has the meaning ascribed to it in NRS 180.004.

Sec. 30. (Deleted by amendment.)

Sec. 31. Section 35 of chapter 460, Statutes of Nevada 2017, at page 2943, is hereby amended to read as follows:

Sec. 35. *1.* This act becomes effective on July 1, 2017 . ~~[, and expires]~~

2. Sections 1, 3, 5, 6 and 8 to 34, inclusive, of this act expire by limitation on June 30, 2019.

Sec. 31.3. The members of the Board on Indigent Defense Services created by section 6 of this act shall serve initial terms ending on:

1. June 30, 2022, for the members appointed by the Chief Justice of the Nevada Supreme Court, the Majority Leader of the Senate, the Speaker of the Assembly and the Governor pursuant to subparagraphs (1) to (5), inclusive, of paragraph (a) of subsection 1 of section 6 of this act.

2. June 30, 2021, for two of the members selected by the Nevada Association of Counties pursuant to subparagraph (6) of paragraph (a) of subsection 1 of section 6 of this act, as determined by the Nevada Association of Counties.

3. June 30, 2021, for the member selected by the Board of County Commissioners of Washoe County pursuant to subparagraph (8) of paragraph (a) of subsection 1 of section 6 of this act and one of the members selected by the Board of County Commissioners of Clark County pursuant to subparagraph (7) of paragraph (a) of subsection 1 of section 6 of this act, as determined by the respective Boards.

4. June 30, 2020, for all of the remaining members.

Sec. 31.5. (Deleted by amendment.)

Sec. 32. 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. 33. This act becomes effective:

1. Upon passage and approval for the purpose of recruiting and selecting the Executive Director and employees of the Department of Indigent Defense Services created by section 9 of this act, and performing any other preliminary administrative tasks that are necessary to carry out the provisions of this act.

2. Upon passage and approval for the purpose of appointing members to the Board on Indigent Defense Services created by section 6 of this act. Members must be appointed by the Governor, the Majority Leader of the Senate, the Speaker of the Assembly and the Chief Justice of the Supreme Court, as applicable, as soon as practicable and assume their positions on July 1, 2019.

3. On October 1, 2019, for all other purposes.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senator Cannizzaro.

Amendment No. 1102 to Assembly Bill No. 81 changes "oversight" to "provide direction and advice" in section 8 of the bill concerning the role of the Board on Indigent Defense Services in relation to the Executive Director of the Department of Indigent Services. It provides for collaboration between the Deputy Director of Indigent Defense Services and a county commission, and it clarifies a county is not required to have an office of public defender. The Executive Director may recommend that the responsibilities for the provision of indigent defense be transferred to the State Public Defender.

Conflict of interest declared by Senator Ohrenschall.

Amendment adopted.

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

Assembly Bill No. 150.

Bill read second time.

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

Amendment No. 1105.

SUMMARY—~~[Directs the establishment of a plan to expand the program to allow]~~ Provides for a study of ways to improve the outcomes for certain persons ~~[over 18 years of age to remain under the jurisdiction of a court.]~~ who leave the custody of an agency which provides child welfare services upon reaching the age of 18 years. (BDR S-453)

AN ACT relating to child welfare; requiring the establishment of a ~~[plan to expand the program to allow certain persons over 18 years of age to remain under the jurisdiction of a court;]~~ working group to study ways to improve the outcomes for persons who leave the custody of an agency which provides child welfare services when they reach 18 years of age; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a child whom a court places with a person or entity other than a parent and who reaches 18 years of age to request the court to retain jurisdiction over the child until the child reaches the age of 21 years. If

a court retains jurisdiction over a child in such circumstances, the child is required to enter into an agreement with the agency which provides child welfare services. Such an agreement is required to provide that the child is entitled to: (1) continue receiving services from the agency which provides child welfare services; and (2) receive monetary payments directly or to have such payments provided to another entity in an amount not to exceed the rate of payment for foster care. (NRS 432B.594) Existing law additionally requires the agency which provides child welfare services to develop a written plan to assist the child in transitioning into independent living. (NRS 432B.595) Section 9.5 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to ~~[: (1)]~~ establish a ~~[plan to expand]~~ working group to study: (1) that program ~~[,]~~ and other programs to improve the outcomes for persons who leave the custody of an agency which provides child welfare services upon reaching 18 years of age in this State and other states; and (2) possible ways to improve those outcomes. Section 9.5 requires the Division to submit a report to the Legislative Committee on Child Welfare and Juvenile Justice concerning the ~~[status of the plan.]~~ activities, conclusions and recommendations of the working group. Section 10 of this bill appropriates money to the Division for personnel costs to develop the plan.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.5. 1. The Division of Child and Family Services of the Department of Health and Human Services shall ~~[:~~

~~(a) In consultation with]~~ establish a working group comprised of representatives of agencies which provide child welfare services, representatives of other agencies and organizations that provide social services, attorneys who represent children in the custody of agencies which provide child welfare services and other interested persons and entities . ~~[:]~~ The working group shall:

~~[(1) Study possible mechanisms for expanding the]~~

(a) Analyze data relating to the implementation and results of programs in this State and other states that have been established to improve the outcomes for persons who leave the custody of an agency which provides child welfare services upon reaching 18 years of age, including, without limitation:

(1) The program established pursuant to NRS 432B.591 to 432B.595, inclusive, that allows a child who is over 18 years of age to voluntarily remain

under the jurisdiction of a court under the conditions prescribed by NRS 432B.594 ~~[, which may include, without limitation, obtaining]~~ ; and

(2) Any such program that obtains federal financial participation under 42 U.S.C. §§ 670 et seq.; and

~~[(2) Establish a plan to expand the program described in subparagraph (1). The plan must include, without limitation:~~

~~(I) A timeline for carrying out the plan, the process for carrying out the plan and an analysis of the fiscal impact of the plan; and~~

~~(II) An analysis of the implementation and effect of the program described in subparagraph (1)]~~.

(b) Study potential ways to improve outcomes for persons in this State who leave the custody of an agency which provides child welfare services upon reaching 18 years of age.

~~[(b)]~~ 2. On or before October 1, 2020, the Division of Child and Family Services of the Department of Health and Human Services shall submit to the Legislative Committee on Child Welfare and Juvenile Justice ~~[:]~~ a report which must include, without limitation:

~~[(1)]~~ (a) A ~~[report concerning the status of the plan described in paragraph (a); and]~~ summary of the activities carried out by the working group pursuant to subsection 1 and the conclusions of the working group as a result of those activities;

~~[(2)]~~ (b) Any recommendations of the working group to improve the outcomes for persons who leave the custody of an agency which provides child welfare services upon reaching 18 years of age in this State, including, without limitation, any recommendations for legislation ~~[necessary to implement the plan described in paragraph (a).~~

~~2.]~~ and changes to regulation or policy; and

(c) A summary of the estimated fiscal impact of those recommendations.

3. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 10. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the purposes described in subsection 2 the following sums:

For the Fiscal Year 2019-2020..... $35,553

For the Fiscal Year 2020-2021..... $11,345

2. The Division of Child and Family Services of the Department of Health and Human Services shall use the money appropriated pursuant to subsection 1 for personnel costs to carry out the provisions of section 9.5 of this act.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020,

and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 11. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 1105 to Assembly Bill No. 150 requires the Division of Child and Family Services of DHHS to establish a working group to study ways to improve the outcomes for certain persons who age out of the foster-care system when they reach 18 years of age.

Amendment adopted.

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

Assembly Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1107.

SUMMARY—Makes various changes related to criminal law and criminal procedure. (BDR 14-564)

AN ACT relating to crimes; ~~[revising provisions relating to preprosecution diversion programs;]~~ revising provisions relating to the duties of the Nevada Sentencing Commission; establishing provisions relating to the calculation and use of the amount of certain costs avoided by this State; establishing the Nevada Local Justice Reinvestment Coordinating Council; revising the contents required in the report of any presentence investigation; requiring certain judges to receive training concerning reports of presentence investigations; making various changes concerning probation and parole; authorizing a court to defer or suspend judgment on a case in certain circumstances; revising provisions relating to specialty court programs; revising provisions relating to programs for the treatment of persons who commit domestic violence; reducing the penalty for certain crimes from a category B to a category C felony; revising provisions relating to burglary; increasing the felony theft threshold and revising penalties for various theft offenses; making it unlawful to install or affix a scanning device within or upon a machine used for financial transactions under certain circumstances; making it unlawful to access a scanning device under certain circumstances; revising provisions relating to habitual criminals; requiring the Peace Officers' Standards and Training Commission to develop and implement a behavioral health field response grant program; revising provisions concerning crimes involving controlled substances; repealing provisions relating to programs of treatment for alcoholics and drug addicts and the civil commitment of such persons; making appropriations to the Division of Parole and Probation of the Department of Public Safety and the Department of Corrections; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a justice court or municipal court to establish a preprosecution diversion program to which it may assign eligible defendants charged with certain misdemeanors. (NRS 174.031, 174.032) Section 3 of this bill authorizes a district court to establish such a program, and section 2 of this bill authorizes eligible defendants charged with certain gross misdemeanors or felonies to participate in such a program.]~~

Existing law establishes programs for the treatment of mental illness and intellectual disabilities and for the treatment of veterans and members of the military to which a court may assign certain persons. (NRS 176A.250-176A.265, 176A.280-176A.295) Existing law also establishes a program of treatment for alcoholics and drug addicts to which a court may assign certain persons and provides for the civil commitment of alcoholics and drug addicts convicted of a crime. (NRS 453.580, 458.290-458.350) Section 27 of this bill revises provisions relating to the eligibility of a defendant to participate in a program for the treatment of mental illness and intellectual disabilities, and sections 29 and 29.5 of this bill revise provisions relating to the eligibility of a defendant to participate in a program for the treatment of veterans and members of the military. Section 136 of this bill repeals the provisions of law concerning the program of treatment for alcoholics and drug addicts and the civil commitment of such persons. Sections 20-23 of this bill set forth provisions relating to the establishment of a program for the treatment of drug or alcohol use to which a court may assign certain persons, which are modeled after the provisions of law governing the programs for the treatment of mental illness and intellectual disabilities and for the treatment of veterans and members of the military. Sections 22, 27 and 30 of this bill revise provisions relating to the discharge of a defendant from probation and the dismissal of the proceedings against the defendant or the setting aside of a judgment of conviction, as applicable, upon the defendant's fulfillment of the terms and conditions of probation that include the completion of any such program of treatment.

Existing law generally provides that if a person is found guilty of a category E felony, the district court is required to suspend the execution of the sentence imposed and grant probation to the person. However, the court is also authorized to decide not to grant probation if the person: (1) was serving a term of probation or was on parole for a felony conviction at the time the crime was committed; (2) previously had his or her probation or parole revoked for a felony conviction; or (3) previously had been assigned to a program of treatment and rehabilitation for the abuse of alcohol or drugs and failed to complete the program. (NRS 176A.100) Section 24 of this bill removes such exceptions to mandatory probation.

Existing law provides that the period of probation or suspension of sentence must not be more than 3 years for a gross misdemeanor or a suspension of sentence imposed pursuant to certain provisions of law and not more than 5 years for a felony. (NRS 176A.500) Section 34 of this bill revises such time limitations and provides that the period of probation or suspension of sentence

must not be more than: (1) twelve months for a gross misdemeanor or certain suspensions of sentence; (2) eighteen months for a category E felony; (3) twenty-four months for a category C or D felony; ~~[or]~~ (4) thirty-six months for a category B felony ~~[.]~~ ; or (5) sixty months for a violent or sexual offense. Section 34 authorizes the court to extend the period of probation for a period of not more than 12 months if the extension is necessary for the probationer to complete his or her participation in a specialty court program. Section 17 of this bill requires the Division of Parole and Probation of the Department of Public Safety ("Division") to petition the court to recommend the early discharge of certain persons on probation.

Section 35 of this bill provides that if the court finds that a probationer committed one or more technical violations of the conditions of probation, the court may take certain actions, including temporarily revoking the probation or suspension of sentence and imposing certain terms of imprisonment depending on how many times the probation or suspension of sentence has previously been temporarily revoked. Section 35 also provides that a probationer who is arrested and detained for a technical violation of probation must ~~[have a hearing]~~ be brought before the court within 15 calendar days or otherwise must be released from detention and returned to probation status. If such a probationer is released from detention because a timely hearing is not held, the court is authorized to subsequently hold a hearing to determine whether a technical violation occurred and take appropriate action. Section 35 further prohibits the commission of certain acts from being used as the only basis for the revocation of probation. Section 101 of this bill provides that if the State Board of Parole Commissioners ("Board") finds that a parolee committed one or more technical violations of the conditions of parole, the Board may take certain actions, including temporarily revoking parole supervisions and imposing certain terms of imprisonment depending on how many times parole has previously been temporarily revoked. Section 18 of this bill requires the Division to adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation or parole and establishes certain requirements relating to such a system.

Section 19 authorizes a court to defer judgment to a specified future date and set forth specific terms and conditions for the defendant in certain circumstances. If the court finds that the defendant has completed all such conditions, the court is required to discharge the defendant and dismiss the proceedings.

Existing law requires the report of any presentence investigation to contain certain information, including: (1) a recommendation of a minimum term and a maximum term of imprisonment, other term of imprisonment, a fine, or both a fine and term of imprisonment; and (2) if the Division deems appropriate, a recommendation that the defendant undergo a program of regimental discipline. (NRS 176.145) Section 13 of this bill removes the requirement that the report of any presentence investigation contain such recommendations.

Section 12 of this bill requires each court in which a report of a presentence investigation can be made to ensure that each judge of the court receives training concerning the manner in which to use the information included in such a report for the purpose of imposing a sentence.

Existing law establishes the crime of burglary. (NRS 205.060) Section 55 of this bill establishes: (1) certain types of burglary that differ based on the structure in which the crime is committed; and (2) the various penalties imposed for each type of burglary. Existing law authorizes a person to petition the court in which the person was convicted for the sealing of all records relating to the conviction, but excludes certain specified convictions. (NRS 179.245) Section 37 of this bill prohibits a person from petitioning the court to seal records relating to a conviction of invasion of the home with a deadly weapon.

Existing law provides that a person who commits theft is guilty of: (1) a misdemeanor if the value of the property or services involved in the theft is less than $650; and (2) a category C felony if the value of the property or services involved in the theft is $650 or more. (NRS 205.0835) Section 58 of this bill increases the felony theft threshold to $1,200 and establishes a tier of penalties based on the value of the property or services involved in the theft. Sections 59, 60, 61-64, 65-83, 85, 126, 131 and 132 of this bill make conforming changes to various theft offenses that use monetary thresholds.

Existing law makes it a crime for a person to use a scanning device to access, read, obtain, memrize or store information encoded on the magnetic strip of a payment card: (1) without the permission of the authorized user of the card; and (2) with the intent to defraud the user or issuer of the card or any other person. (NRS 205.605) Existing law also makes it a crime for a person to possess a scanning device with the intent to use it for an unlawful purpose. (NRS 205.606) Section 84.3 of this bill makes it a crime for a person to install or affix a scanning device within or upon a machine used for financial transactions with the intent to use the scanning device for an unlawful purpose. Section 84.3 also makes it a crime for a person to access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose. Section 84.3 provides that a person who installs, affixes or accesses a scanning device in such an unlawful manner is guilty of a category C felony.

Existing law exempts certain persons from the provisions governing the unlawful use or possession of scanning devices. Existing law provides that a person is exempt from these provisions if he or she uses or possesses a scanning device without the intent to defraud or commit an unlawful act: (1) in the ordinary course of his or her business; or (2) with the consent of the authorized user of a payment card to complete a financial transaction using that card. (NRS 205.607) Section 84.5 of this bill expands this exemption to include a person who installs, affixes or accesses a scanning device without the intent to commit an unlawful act: (1) in the ordinary course of his or her business; or (2) to complete such a financial transaction.

Existing law provides that a person who offers, attempts or commits certain unauthorized acts relating to controlled or counterfeit substances is guilty of a category B felony for the first offense if the controlled substance is classified in schedule I or II and a category C felony for the first offense if the controlled substance is classified in schedule III, IV or V. (NRS 453.321) Section 112 of this bill decreases such penalties to a category C and category D felony, respectively. Section 112 also decreases the minimum and maximum terms of imprisonment and the amount of the authorized fine for a third or subsequent offense if the controlled substance is classified in schedule III, IV or V. Existing law prohibits a court from granting probation to a person who is convicted of a second or subsequent offense of certain commercial drug offenses. (NRS 453.321, 453.337, 453.338) Sections 112, 116 and 117 of this bill generally authorize a court to grant probation if mitigating circumstances exist that warrant the granting of probation.

Existing law prohibits the trafficking of: (1) schedule I controlled substances other than marijuana; (2) marijuana or concentrated cannabis; and (3) schedule II controlled substances. The penalties for each such offense vary based on the quantity of the controlled substance that is trafficked. (NRS 453.3385, 453.339, 453.3395) ~~[Sections]~~ Section 119 ~~[and 121]~~ of this bill ~~[revise]~~ establishes the crimes of low-level trafficking and high-level trafficking and revises the quantity of schedule I controlled substances other than marijuana and schedule II controlled substances ~~[, respectively,]~~ for the purposes of imposing a penalty. ~~[Section 122 of this bill provides that the court may grant probation to or suspend the sentence of certain persons who are convicted of trafficking a controlled substance.]~~

Existing law provides that it is unlawful for a person to knowingly use or be under the influence of a controlled substance except in accordance with a lawfully used prescription or when administered to the person at certain rehabilitation clinics or hospitals. A person who violates any such provision is guilty of a gross misdemeanor or category E felony depending on the schedule in which the controlled substance is listed. (NRS 453.411) Section 122.5 of this bill decreases the penalty for such a violation to a misdemeanor, regardless of the schedule in which the controlled substance is listed.

Section 113 of this bill revises the penalties for ~~[simple]~~ possession of a controlled substance based on the quantity possessed and the schedule in which the controlled substance is listed ~~[.]~~ and categorizes the different offenses as possession, low-level possession, mid-level possession and high-level possession. Section 86 of this bill prohibits a conviction of ~~[simple]~~ possession , low-level possession or unlawful use of a controlled substance from being used for purposes of determining whether a person is a habitual criminal.

Existing law establishes various crimes for which the penalty is a category B felony. (NRS 205.605, 453.316, 465.088, 484D.335) Sections 84, 111, 125 and 130 of this bill reduce the penalty for any such crime to a category C felony.

Existing law provides that a person is a habitual criminal if he or she is convicted of a felony and has previously been convicted at least two times of a felony. (NRS 207.010) Section 86 provides that a person is a habitual criminal if he or she is convicted of a felony and has previously been convicted at least five times of a felony.

Section 90 of this bill requires the Director of the Department of Corrections ("Director") to administer a risk and needs assessment to each person in the custody of the Department of Corrections ("Department") to measure criminal risk factors and individual needs for the purpose of institutional programming and placement. Sections 89 and 96 of this bill require the Director and the Chief Parole and Probation Officer, respectively, to include certain topics and courses in staff training.

Section 95 of this bill requires the Division to administer a risk and needs assessment to each probationer and parolee under the Division's supervision at least once every year for the purpose of setting a level of supervision for each probationer and parolee and developing individualized case plans. Section 95 also requires the Division to administer a subsequent risk and needs assessment to each probationer and parolee at least once every year to determine whether a change in the level of supervision is necessary.

Existing law authorizes the Director to assign an offender to the Division to serve a term of residential confinement or other appropriate supervision for not longer than the remainder of his or her sentence in certain circumstances, including if the offender is in ill health and expected to die within 12 months and does not pose a threat to public safety. (NRS 209.3925) Section 91 of this bill increases the time within which such an offender is expected to die to 18 months. Section 91 also establishes requirements relating to a request for medical release that must be submitted to the Director. Section 93.3 of this bill authorizes the Board to grant geriatric parole to certain persons who: (1) are 65 years of age or older; (2) have not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; (3) have not been found to be a habitual criminal; and ~~[(3)]~~ (4) have served ~~[8 consecutive years in the custody of the Department or]~~ at least a majority of the maximum term or maximum aggregate term of his or her sentence . ~~[, whichever occurs earlier.]~~

Section 93.7 of this bill requires the Division to recommend the early discharge of a person from parole to the Board in certain circumstances and authorizes the Board to adopt any regulations necessary to carry out provisions relating to the early discharge of such a person.

Section 97 of this bill authorizes the Board to grant parole without a meeting to prisoners who meet certain criteria. Section 99 of this bill provides that if the Board has delegated its authority to consider the parole of a prisoner and recommend to the Board that the prisoner be released on parole without a meeting, and a person to whom such authority is delegated does not

recommend that the prisoner be released on parole without a meeting, the prisoner must have a parole hearing.

Section 100 of this bill requires: (1) the Department and a prisoner who is eligible for parole to develop, not later than 6 months before the prisoner's parole eligibility date, a reentry plan that takes into consideration the needs, limitations and capabilities of each prisoner; and (2) the Division to review and, if appropriate, approve such a reentry plan. Section 92 of this bill revises the duties of the Director relating to the release of offenders from prison by requiring the Director to: (1) provide the offender with a photo identification card if the offender is not in possession of a photo identification card; (2) provide the offender with clothing; (3) provide the offender with certain transportation costs; (4) if appropriate, release the offender to a facility for transitional living; (5) complete enrollment application paperwork for Medicaid and Medicare for an eligible offender; and (6) provide the offender with a 30-day supply of prescribed medication if the offender was receiving such medication while in prison. Section 92 also requires the Director to clearly indicate on any photo identification card provided to an offender whether or not the Director has verified the full legal name and age of the offender.

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence. (NRS 439.258) Section 110.5 of this bill provides that such regulations must include provisions requiring that a program: (1) include a module specific to victim safety; and (2) be based on evidence-based practices and the assessment of a program participant by a supervisor of treatment or provider of treatment. Section 102 of this bill revises the definition of the term "victim" for purposes of the provisions of law governing compensation for certain victims of criminal acts.

Section 104 of this bill requires the Peace Officers' Standards and Training Commission ("POST") to develop and implement, subject to available funding, a behavioral health field response grant program to allow law enforcement and behavioral health professionals to safely respond to crises involving persons with behavioral health issues. Section 104 establishes the application and selection processes for and certain requirements relating to grant recipients. Section 104 also requires POST to submit an annual report during each year the grant program is funded to the Governor and the Chairs of the Senate and Assembly Standing Committees on Judiciary that contains information relating to the grant programs. Section 105 of this bill requires every law enforcement agency to: (1) establish a policy and procedure for interacting with persons who suffer from a behavioral health issue; and (2) subject to available funding, contract with or employ a behavioral health specialist. Section 107 of this bill requires POST to develop and approve a standard curriculum of certified training programs in crisis intervention to address specialized responses to persons with mental illness. Section 108 of

this bill requires POST to establish by regulation standards for a voluntary program for the training of law enforcement dispatchers that includes training relating to such crisis intervention.

Section 6 of this bill requires the Nevada Sentencing Commission ("Sentencing Commission") to: (1) track and assess outcomes resulting from, and trends observed after, the enactment of this bill; and (2) submit a biennial report to the Governor, the Legislature and the Chief Justice of the Supreme Court regarding such outcomes and performance measures. Section 7 of this bill requires the Sentencing Commission to: (1) calculate for each fiscal year the amount of the costs avoided by this State because of the enactment of this bill; and (2) submit to the Governor and the Legislature a statement of the amount of such avoided costs and recommendations for the reinvestment of the amount of those avoided costs in certain programs. Section 8 of this bill creates the Nevada Local Justice Reinvestment Coordinating Council, which: (1) consists of one member from each county in the State whose population is less than 100,000 and two members from each county in the State whose population is 100,000 or more; and (2) is required to advise the Sentencing Commission on matters concerning the provisions of this bill as they relate to local governments and nonprofit organizations and to perform certain other duties.

Section 133.5 of this bill makes certain appropriations from the State General Fund to the Division and the Department in each fiscal year of the 2019-2021 biennium.

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

Section 1. ~~[NRS 174.015 is hereby amended to read as follows:~~

~~174.015 1. [Except as otherwise provided in subsection 3, arraignment shall] *Arraignment must* be conducted in open court and [shall] *must* consist of reading the indictment or information to the defendant or stating the substance of the charge and calling on the defendant to plead thereto. The defendant [shall] *must* be given a copy of the indictment or information before the defendant is called upon to plead.~~

~~2. In justice court or municipal court, before the trial commences, the complaint must be distinctly read to the defendant before the defendant is called upon to plead.~~

~~[3. In justice court or municipal court, before the defendant is called upon to plead, the court shall determine whether the defendant is eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031.]]~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 174.031 is hereby amended to read as follows:~~

~~174.031 1. At the arraignment of a defendant in justice court or municipal court [,] *or after the transfer of a case to district court*, but before the entry of a plea, the court may determine whether the defendant is eligible for assignment to a preprosecution diversion program established pursuant to NRS 174.032. The court shall receive input from the prosecuting attorney and~~

~~the attorney for the defendant, if any, whether the defendant would benefit from and is eligible for assignment to the program.~~

~~2. A defendant may be determined to be eligible by the court for assignment to a preprosecution diversion program if the defendant:~~

~~(a) Is charged with a misdemeanor , *gross misdemeanor or felony* other than:~~

~~(1) A crime of violence as defined in NRS 200.408;~~

~~(2) *Any offense that resulted in the death of or substantial bodily harm to another person;*~~

~~*(3)* Vehicular manslaughter as described in NRS 484B.657;~~

~~[(3)] *(4)* Driving under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 484C.130; or~~

~~[(4)] *(5)* A minor traffic offense; and~~

~~(b) Has not previously been:~~

~~(1) Convicted of violating any criminal law other than a minor traffic offense; or~~

~~(2) Ordered by a court to complete a preprosecution diversion program in this State.~~

~~3. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to subsection 2, the *district court*, justice court or municipal court may order the defendant to complete the program pursuant to subsection 5 of NRS 174.032.~~

~~4. A defendant has no right to complete a preprosecution diversion program or to appeal the decision of the *district court*, justice court or municipal court relating to the participation of the defendant in such a program.]~~ (Deleted by amendment.)

Sec. 3. ~~[NRS 174.032 is hereby amended to read as follows:~~

~~174.032 1. A *district court*, justice court or municipal court may establish a preprosecution diversion program to which it may assign a defendant if he or she is determined to be eligible pursuant to NRS 174.031.~~

~~2. If a defendant is determined to be eligible for assignment to a preprosecution diversion program pursuant to NRS 174.031, the *district court*, justice *court* or municipal court must receive input from the prosecuting attorney, the attorney for the defendant, if any, and the defendant relating to the terms and conditions for the defendant's participation in the program.~~

~~3. A preprosecution diversion program established by a *district court*, justice court or municipal court pursuant to this section may include, without limitation:~~

~~(a) A program of treatment which may rehabilitate a defendant, including, without limitation, educational programs, participation in a support group, anger management therapy, counseling or a program of treatment for veterans and members of the military, mental illness or intellectual disabilities or the [abuse] *use* of alcohol or drugs;~~

~~(b) Any appropriate sanctions to impose on a defendant, which may include, without limitation, community service, restitution, prohibiting contact with certain persons or the imposition of a curfew; and~~

~~(c) Any other factor which may be relevant to determining an appropriate program of treatment or sanctions to require for participation of a defendant in the preprosecution diversion program.~~

~~4. If the *district court*, justice court or municipal court determines that a defendant may be rehabilitated by a program of treatment for veterans and members of the military, persons with mental illness or intellectual disabilities or the [abuse] *use* of alcohol or drugs, the court may refer the defendant to an appropriate program of treatment established pursuant to NRS 176A.250, 176A.280 or [453.580.] *section 20 of this act.* The court shall retain jurisdiction over the defendant while the defendant completes such a program of treatment.~~

~~5. The *district court*, justice court or municipal court shall, when assigning a defendant to a preprosecution diversion program, issue an order setting forth the terms and conditions for successful completion of the preprosecution diversion program, which may include, without limitation:~~

~~(a) Any program of treatment the defendant is required to complete;~~

~~(b) Any sanctions and the manner in which they must be carried out by the defendant;~~

~~(c) The date by which the terms and conditions must be completed by the defendant, which must not be more than 18 months after the date of the order;~~

~~(d) A requirement that the defendant appear before the court at least one time every 3 months for a status hearing on the progress of the defendant toward completion of the terms and conditions set forth in the order; and~~

~~(e) A notice relating to the provisions of subsection 3 of NRS 174.033.~~

~~6. A defendant assigned to a preprosecution diversion program shall pay the cost of any program of treatment required by this section to the extent of his or her financial resources. The court shall not refuse to place a defendant in a program of treatment if the defendant does not have the financial resources to pay any or all of the costs of such program.~~

~~7. If restitution is ordered to be paid pursuant to subsection 5, the defendant must make a good faith effort to pay the required amount of restitution in full. If the *district court*, justice court or municipal court determines that a defendant is unable to pay such restitution, the court must require the defendant to enter into a judgment by confession for the amount of restitution.]~~ (Deleted by amendment.)

Sec. 4. ~~[NRS 174.033 is hereby amended to read as follows:~~

~~174.033 1. If the *district court*, justice court or municipal court determines that a defendant has successfully completed the terms and conditions of a preprosecution diversion program ordered pursuant to subsection 5 of NRS 174.032, the court must discharge the defendant and dismiss the indictment, information, complaint or citation.~~

~~2. Discharge and dismissal pursuant to subsection 1 is without adjudication of guilt and is not a conviction for purposes of employment, civil~~

~~rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the indictment, information, complaint or citation. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the indictment, information, complaint or citation in response to an inquiry made of the defendant for any purpose.~~

~~3. If the *district court*, justice court or municipal court determines that a defendant has not successfully completed the terms or conditions of a preprosecution diversion program ordered pursuant to subsection 5 of NRS 174.032, the court must issue an order terminating the participation of the defendant in the preprosecution diversion program and order the defendant to appear for an arraignment to enter a plea based on the original indictment, information, complaint or citation pursuant to NRS 174.015.]~~ (Deleted by amendment.)

Sec. 5. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 5.2. (Deleted by amendment.)

Sec. 5.3. (Deleted by amendment.)

Sec. 5.4. (Deleted by amendment.)

Sec. 5.5. (Deleted by amendment.)

Sec. 5.6. (Deleted by amendment.)

Sec. 5.7. (Deleted by amendment.)

Sec. 6. *1. The Sentencing Commission shall:*

(a) Track and assess outcomes resulting from the enactment of this act, including, without limitation, the following data from the Department of Corrections:

(1) With respect to prison admissions:

(I) The total number of persons admitted to prison by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age and, if measured upon intake, risk score;

(II) The average minimum and maximum sentence term by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score; and

(III) The number of persons who received a clinical assessment identifying a mental health or substance use disorder upon intake.

(2) With respect to parole and release from prison:

(I) The average length of stay in prison for each type of release by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons released from prison each year by type of release, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(III) The recidivism rate of persons released from prison by type of release; and

(IV) The total number of persons released from prison each year who return to prison within 36 months by type of admission, type of release, type of return to prison, including, without limitation, whether such a subsequent prison admission was the result of a new felony conviction or a revocation of parole due to a technical violation, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score.

(3) With respect to the number of persons in prison:

(I) The total number of persons held in prison on December 31 of each year, not including those persons released from a term of prison who reside in a parole housing unit, by type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The total number of persons held in prison on December 31 of each year who have been granted parole by the State Board of Parole Commissioners but remain in custody, and the reasons therefor;

(III) The total number of persons held in prison on December 31 of each year who are serving a sentence of life with or without the possibility of parole or who have been sentenced to death; and

(IV) The total number of persons as of December 31 of each year who have started a treatment program while in prison, have completed a treatment program while in prison and are awaiting a treatment program while in prison, by type of treatment program and type of offense.

(b) Track and assess outcomes resulting from the enactment of this act with respect to the following data, which the Division shall collect and report to the Sentencing Commission:

(1) With respect to the number of persons on probation or parole:

(I) The total number of supervision intakes by type of offense, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age, mental health status and, if measured upon intake, risk score;

(II) The average term of probation imposed for persons on probation by type of offense;

(III) The average time served by persons on probation or parole by type of discharge, felony category and type of offense;

(IV) The average time credited to a person's term of probation or parole as a result of successful compliance with supervision;

(V) The total number of supervision discharges by type of discharge, including, without limitation, honorable discharges and dishonorable discharges, and cases resulting in a return to prison;

(VI) The recidivism rate of persons discharged from supervision by type of discharge, according to the Division's internal definition of recidivism;

(VII) The number of persons identified as having a mental health issue or a substance use disorder; and

(VIII) The total number of persons on probation or parole who are located within this State on December 31 of each year, not including those persons who are under the custody of the Department of Corrections.

(2) With respect to persons on probation or parole who violate a condition of supervision or commit a new offense:

(I) The total number of revocations and the reasons therefor, including, without limitation, whether the revocation was the result of a mental health issue or substance use disorder;

(II) The average amount of time credited to a person's suspended sentence or the remainder of the person's sentence from time spent on supervision;

(III) The total number of persons receiving administrative or jail sanctions, by type of offense and felony category; and

(IV) The median number of administrative sanctions issued by the Division to persons on supervision, by type of offense and felony category.

(c) Track and assess outcomes resulting from the enactment of this act with respect to savings and reinvestment, including, without limitation:

(1) The total amount of annual savings resulting from the enactment of any legislation relating to the criminal justice system;

(2) The total annual costs avoided by this State because of the enactment of this act, as calculated pursuant to section 7 of this act; and

(3) The entities that received reinvestment funds, the total amount directed to each such entity and a description of how the funds were used.

(d) Track and assess trends observed after the enactment of this act, including, without limitation, the following data, which the Central Repository for Nevada Records of Criminal History shall collect and report to the Sentencing Commission as reported to the Federal Bureau of Investigation:

(1) The uniform crime rates for this State and each county in this State by index crimes and type of crime; and

(2) The percentage changes in uniform crime rates for this State and each county in this State over time by index crimes and type of crime.

(e) Identify gaps in this State's data tracking capabilities related to the criminal justice system and make recommendations for filling any such gaps.

(f) Prepare and submit a report not later than the first day of the second full week of each regular session of the Legislature to the Governor, the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the Chief Justice of the Nevada Supreme Court. The report must include recommendations for improvements, changes and budgetary adjustments and

may also present additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

(g) Employ and retain other professional staff as necessary to coordinate performance and outcome measurement and develop the report required pursuant to this section.

2. As used in this section:

(a) "Technical violation" has the meaning ascribed to it in section 18 of this act.

(b) "Type of admission" means the manner in which a person entered into the custody of the Department of Corrections, according to the internal definitions used by the Department of Corrections.

(c) "Type of offense" means an offense categorized by the Department of Corrections as a violent offense, sex offense, drug offense, property offense, DUI offense or other offense, consistent with the internal data systems used by the Department of Corrections.

Sec. 7. *1. The Sentencing Commission shall develop a formula to calculate for each fiscal year the amount of costs avoided by this State because of the enactment of this act. The formula must include, without limitation, a comparison of:*

(a) The annual projection of the number of persons who will be in a facility or institution of the Department of Corrections which was created by the Office of Finance pursuant to NRS 176.0129 for calendar year 2018; and

(b) The actual number of persons who are in a facility or institution of the Department of Corrections during each year.

2. Not later than December 1 of each fiscal year, the Sentencing Commission shall use the formula developed pursuant to subsection 1 to calculate the costs avoided by this State for the immediately preceding fiscal year because of the enactment of this act and submit a statement of the amount of the costs avoided to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

3. Not later than August 1 of each even-numbered year, the Sentencing Commission shall prepare a report containing the projected amount of costs avoided by this State for the next biennium because of the enactment of this act and recommendations for the reinvestment of the amount of those costs to provide financial support to programs and services that address the behavioral health needs of persons involved in the criminal justice system in order to reduce recidivism. In preparing the report, the Commission shall prioritize providing financial support to:

(a) The Department of Corrections for programs for reentry of offenders and parolees into the community, programs for vocational training and employment of offenders, educational programs for offenders and transitional work program for offenders;

(b) The Division for services for offenders reentering the community, the supervision of probationers and parolees and programs of treatment for

probationers and parolees that are proven by scientific research to reduce recidivism;

(c) Any behavioral health field response grant program developed and implemented pursuant to section 104 of this act;

(d) The Housing Division of the Department of Business and Industry to create or provide transitional housing for probationers and parolees and offenders reentering the community; and

(e) The Nevada Local Justice Reinvestment Coordinating Council created by section 8 of this act for the purpose of making grants to counties for programs and treatment that reduce recidivism of persons involved in the criminal justice system.

4. Not later than August 1 of each even-numbered year, the Sentencing Commission shall submit the report prepared pursuant to subsection 3 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 8. *1. The Nevada Local Justice Reinvestment Coordinating Council is hereby created. The Council consists of:*

(a) One member from each county in this State whose population is less than 100,000; and

(b) Two members from each county in this State whose population is 100,000 or more.

2. Each member of the Council must be appointed by the governing body of the applicable county. The Chair of the Sentencing Commission shall appoint the Chair of the Council from among the members of the Council.

3. The Council shall:

(a) Advise the Sentencing Commission on matters related to any legislation, regulations, rules, budgetary changes and all other actions needed to implement the provisions of this act as they relate to local governments;

(b) Identify county-level programming and treatment needs for persons involved in the criminal justice system for the purpose of reducing recidivism;

(c) Make recommendations to the Sentencing Commission regarding grants to local governments and nonprofit organizations from the State General Fund;

(d) Oversee the implementation of local grants;

(e) Create performance measures to assess the effectiveness of the grants; and

(f) Identify opportunities for collaboration with the Department of Health and Human Services at the state and county level for treatment services and funding.

4. Each member of the Council serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. While engaged in the business of the Council, to the extent of legislative appropriation, each member of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Sentencing Commission shall provide the Council with such staff as is necessary to carry out the duties of the Council pursuant to this section.

Sec. 9. NRS 176.0132 is hereby amended to read as follows:

176.0132 As used in NRS 176.0132 to 176.0139, inclusive, *and sections 6, 7 and 8 of this act,* "Sentencing Commission" means the Nevada Sentencing Commission created by NRS 176.0133.

Sec. 9.3. (Deleted by amendment.)

Sec. 9.7. (Deleted by amendment.)

Sec. 10. NRS 176.015 is hereby amended to read as follows:

176.015 1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.

2. Before imposing sentence, the court shall:

(a) Afford counsel an opportunity to speak on behalf of the defendant; and

(b) Address the defendant personally and ask the defendant if:

(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and

(2) The defendant is a veteran or a member of the military. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the court may, if appropriate, assign the defendant to:

(I) A program of treatment established pursuant to NRS 176A.280; or

(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or ~~[453.580.]~~ *section 20 of this act.*

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

(a) Appear personally, by counsel or by personal representative; and

(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime;

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and

(d) Any other relative or victim who requests in writing to be notified of the hearing.

➥ Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information,

including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(c) "Veteran" has the meaning ascribed to it in NRS 176A.090.

(d) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).

6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

Sec. 10.5. NRS 176.033 is hereby amended to read as follows:

176.033 ~~[1.]~~ If a sentence of imprisonment is required or permitted by statute, the court shall:

~~[(a)]~~ *1.* If sentencing a person who has been found guilty of a misdemeanor or a gross misdemeanor, sentence the person to imprisonment for a definite period of time within the maximum limit or the minimum and maximum limits prescribed by the applicable statute, taking due account of the gravity of the particular offense and of the character of the individual defendant.

~~[(b)]~~ *2.* If sentencing a person who has been found guilty of a felony, sentence the person to a minimum term and a maximum term of imprisonment, unless a definite term of imprisonment is required by statute.

~~[(c)]~~ *3.* If restitution is appropriate, set an amount of restitution for each victim of the offense and for expenses related to extradition in accordance with NRS 179.225.

~~[2. At any time after a prisoner has been released on parole and has served one-half of the period of parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the State Board of Parole Commissioners, upon the recommendation of the Division, may petition the court of original jurisdiction requesting a modification of sentence. The Board shall give notice of the petition and hearing thereon to the Attorney General or district attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the State Board of Parole Commissioners and good cause appearing, the court may modify the original sentence by reducing the~~

~~maximum term of imprisonment but shall not make the term less than the minimum term prescribed by the applicable penal statute.]~~

Sec. 11. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059, 176.0611 and 176.0623, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs;

(d) To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis pursuant to NRS 176.0623; and

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or ~~[abuses]~~ *uses* alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or ~~[453.580.]~~ *section 20 of this act.*

Sec. 12. NRS 176.135 is hereby amended to read as follows:

176.135 1. Except as otherwise provided in this section and NRS 176.151, the Division shall make a presentence investigation and report to the court on each defendant who pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, a felony.

2. If a defendant is convicted of a felony that is a sexual offense, the presentence investigation and report:

(a) Must be made before the imposition of sentence or the granting of probation; and

(b) If the sexual offense is an offense for which the suspension of sentence or the granting of probation is permitted, must include a psychosexual evaluation of the defendant.

3. If a defendant is convicted of a felony other than a sexual offense, the presentence investigation and report must be made before the imposition of sentence or the granting of probation unless:

(a) A sentence is fixed by a jury; or

(b) Such an investigation and report on the defendant has been made by the Division within the 5 years immediately preceding the date initially set for sentencing on the most recent offense.

4. Upon request of the court, the Division shall make presentence investigations and reports on defendants who plead guilty, guilty but mentally ill or nolo contendere to, or are found guilty or guilty but mentally ill of, gross misdemeanors.

5. Each court in which a report of a presentence investigation can be made must ensure that each judge of the court receives training concerning the manner in which to use the information included in a report of a presentence investigation for the purpose of imposing a sentence. Such training must include, without limitation, education concerning behavioral health needs and intellectual or developmental disabilities.

Sec. 13. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of any presentence investigation must contain:

(a) Any:

(1) Prior criminal convictions of the defendant;

(2) Unresolved criminal cases involving the defendant;

(3) Incidents in which the defendant has failed to appear in court when his or her presence was required;

(4) Arrests during the 10 years immediately preceding the date of the offense for which the report is being prepared; and

(5) Participation in any program in a specialty court or any diversionary program, including whether the defendant successfully completed the program;

(b) Information concerning the characteristics of the defendant, the defendant's financial condition, including whether the information pertaining to the defendant's financial condition has been verified, the circumstances affecting the defendant's behavior and the circumstances of the defendant's

offense that may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division and the extent of the information to be included in the report is solely at the discretion of the Division;

(d) Information concerning whether the defendant has an obligation for the support of a child, and if so, whether the defendant is in arrears in payment on that obligation;

(e) Data or information concerning reports and investigations thereof made pursuant to chapter 432B of NRS and NRS 392.275 to 392.365, inclusive, that relate to the defendant and are made available pursuant to NRS 432B.290 or NRS 392.317 to 392.337, inclusive, as applicable;

(f) The results of ~~[the]~~ *any* evaluation *or assessment* of the defendant conducted pursuant to NRS *176A.260, 176A.280 or* 484C.300 ~~[, if such an evaluation is required pursuant to that section;]~~ *or section 22 of this act;*

(g) ~~[A recommendation of a minimum term and a maximum term of imprisonment or other term of imprisonment authorized by statute, or a fine, or both;~~

~~(h) A recommendation, if the Division deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176A.780;~~

~~(i)]~~ If a psychosexual evaluation of the defendant is required pursuant to NRS 176.139, a written report of the results of the psychosexual evaluation of the defendant and all information that is necessary to carry out the provisions of NRS 176A.110; and

~~[(j)]~~ *(h)* Such other information as may be required by the court.

2. ~~[The Division shall include in the report all scoresheets and scales used in determining any recommendation made pursuant to paragraphs (g) and (h) of subsection 1.~~

~~3.]~~ The Division shall include in the report the source of any information, as stated in the report, related to the defendant's offense, including, without limitation, information from:

(a) A police report;

(b) An investigative report filed with law enforcement; or

(c) Any other source available to the Division.

~~[4.]~~ *3.* The Division may include in the report any additional information that it believes may be helpful in imposing a sentence, in granting probation or in correctional treatment.

Sec. 14. NRS 176.153 is hereby amended to read as follows:

176.153 1. Except as otherwise provided in subsection 3, the Division shall disclose to the prosecuting attorney, the counsel for the defendant, the defendant and the court, not later than 14 calendar days before the defendant will be sentenced, the factual content of the report of any presentence investigation made pursuant to NRS 176.135 . ~~[and the recommendations of the Division.]~~

2. In addition to the disclosure requirements set forth in subsection 1, if the Division includes in the report of any presentence investigation made pursuant to NRS 176.135 any information relating to the defendant being affiliated with or a member of a criminal gang and the Division reasonably believes such information is disputed by the defendant, the Division shall provide with the information disclosed pursuant to subsection 1 copies of all documentation relied upon by the Division as a basis for including such information in the report, including, without limitation, any field interview cards.

3. The defendant may waive the minimum period required by subsection 1.

4. As used in this section, "criminal gang" has the meaning ascribed to it in NRS 193.168.

Sec. 15. NRS 176.156 is hereby amended to read as follows:

176.156 1. The Division shall disclose to the prosecuting attorney, the counsel for the defendant and the defendant the factual content of the report of:

(a) Any presentence investigation made pursuant to NRS 176.135 ~~[and the recommendations of the Division]~~ and, if applicable, provide the documentation required pursuant to subsection 2 of NRS 176.153, in the period provided in NRS 176.153.

(b) Any general investigation made pursuant to NRS 176.151.

➥ The Division shall afford an opportunity to each party to object to factual errors in any such report . ~~[and to comment on any recommendations.]~~ The court may order the Division to correct the contents of any such report following sentencing of the defendant if, within 180 days after the date on which the judgment of conviction was entered, the prosecuting attorney and the defendant stipulate to correcting the contents of any such report.

2. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to a law enforcement agency of this State or a political subdivision thereof and to a law enforcement agency of the Federal Government for the limited purpose of performing their duties, including, without limitation, conducting hearings that are public in nature.

3. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Division of Public and Behavioral Health of the Department of Health and Human Services for the limited purpose of

performing its duties, including, without limitation, evaluating and providing any report or information to the Division concerning the mental health of:

(a) A sex offender as defined in NRS 213.107; or

(b) An offender who has been determined to be mentally ill.

4. Unless otherwise ordered by a court, upon request, the Division shall disclose the content of a report of a presentence investigation or general investigation to the Nevada Gaming Control Board for the limited purpose of performing its duties in the administration of the provisions of chapters 462 to 467, inclusive, of NRS.

5. Except for the disclosures required by subsections 1 to 4, inclusive, a report of a presentence investigation or general investigation and the sources of information for such a report are confidential and must not be made a part of any public record.

Sec. 16. Chapter 176A of NRS is hereby amended by adding thereto the provisions set forth as sections 16.5 to 23, inclusive, of this act.

Sec. 16.5. *"Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from mental illnesses or use alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or section 20 of this act.*

Sec. 17. *1. The Division shall petition the court to recommend the early discharge of a person from probation if the person:*

(a) Has not violated any condition of probation during the immediately preceding 12 months;

(b) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;

(c) Has paid restitution in full or, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court; ~~*[and]*~~

(d) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the court or the Division ~~*[.]*~~ *; and*

(e) Has not been convicted of a violent or sexual offense as defined in NRS 202.876.

2. This section must not be construed to prohibit the court from allowing the early discharge of a person from probation if the person does not meet the requirements set forth in subsection 1.

Sec. 18. *1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation or parole. The system must:*

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure

to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation or parole.

6. The Division may not seek revocation of probation or parole for a technical violation of the conditions of probation or parole until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(c) "Technical violation" means any alleged violation of the conditions of probation or parole that does not constitute absconding and is not the commission of a ~~[new]~~ :

(1) New felony ~~[,]~~ or gross misdemeanor ~~[, battery]~~ ;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485 ~~[or violation]~~ ;

(3) Violation of NRS 484C.110 or 484C.120 ~~[and does not constitute absconding.]~~ ;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor; or

(5) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

➥ *The term does not include termination from a specialty court program.*

Sec. 19. *1. ~~[Upon]~~ Except as otherwise provided in this subsection, upon a plea of guilty, guilty but mentally ill or nolo contendere, but before a*

judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer judgment on the case to a specified future date and set forth specific terms and conditions for the defendant. The duration of the deferral period must not exceed the applicable period set forth in subsection 1 of NRS 176A.500 or the extension of the period pursuant to subsection 2 of NRS 176A.500. The court may not defer judgment pursuant to this subsection if the defendant has entered into a plea agreement with a prosecuting attorney unless the plea agreement allows the deferral.

2. The terms and conditions set forth for the defendant during the deferral period may include, without limitation, the:

(a) Payment of restitution;

(b) Payment of court costs;

(c) Payment of an assessment in lieu of any fine authorized by law for the offense;

(d) Payment of any other assessment or cost authorized by law;

(e) Completion of a term of community service;

(f) Placement on probation pursuant to NRS 176A.500 and the ordering of any conditions which can be imposed for probation pursuant to NRS 176A.400; or

(g) Completion of a specialty court program.

3. The court:

(a) Upon the consent of the defendant ~~[, the court:~~

~~(a)]~~ :

(1) Shall defer judgment for any defendant who has entered a plea of guilty, guilty but mentally ill or nolo contendere to a violation of paragraph (a) of subsection 2 of NRS 453.336; or

~~[(b)]~~ (2) May defer judgment for any defendant who is placed in a specialty court program. The court may extend any deferral period for not more than 12 months to allow for the completion of a specialty court program.

(b) Shall not defer judgment for any defendant who has been convicted of a violent or sexual offense as defined in NRS 202.876 or a crime against a child as defined in NRS 179D.0357.

4. Upon violation of a term or condition:

(a) Except as otherwise provided in paragraph (b):

(1) The court may enter a judgment of conviction and proceed as provided in the section pursuant to which the defendant was charged.

(2) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

(b) If the defendant has been placed in the program for a first or second violation of paragraph (a) of subsection 2 of NRS 453.336, the court may allow the defendant to continue to participate in the program or terminate the participation of the defendant in the program. If the court terminates the

participation of the defendant in the program, the court shall allow the defendant to withdraw his or her plea.

5. Upon completion of the terms and conditions of the deferred judgment, and upon a finding by the court that the terms and conditions have been met, the court shall discharge the defendant and dismiss the proceedings. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information.

6. The court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division or the prosecutor petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

7. If the court orders sealed the record of a defendant discharged pursuant to this section, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 20. *A court may establish an appropriate program for the treatment of drug or alcohol use to which it may assign a defendant pursuant to NRS 174.032, 176.015, 176A.400, 453.336, 453.3363 or section 19 or 22 of this act. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.*

Sec. 21. *1. A justice court or a municipal court may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant.*

2. As used in this section, "eligible defendant" means a person who:

(a) Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;

(b) Has been diagnosed as having a substance use disorder after an in-person clinical assessment; and

(c) Would benefit from assignment to a program established pursuant to section 20 of this act.

Sec. 22. *1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of section 19 of this act, if a defendant who suffers from a substance use disorder or any co-occurring disorder tenders a*

plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to section 20 of this act if the court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to section 20 of this act if the court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to section 20 of this act if the defendant is diagnosed as having a substance use disorder or any co-occurring disorder:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; or

(b) Pursuant to a substance use assessment.

3. A counselor or physician who diagnoses a defendant as having a substance use disorder shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant.

4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant is not eligible for assignment to the program.

5. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. Upon fulfillment of the terms and conditions, the court:

(a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 23. *1. After a defendant is discharged from probation or a case is dismissed pursuant to section 22 of this act, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.*

2. If the court orders sealed the record of a defendant who is discharged from probation or whose case is dismissed pursuant to section 22 of this act, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 23.5. NRS 176A.010 is hereby amended to read as follows:

176A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 176A.020 to 176A.090, inclusive, *and section 16.5 of this act* have the meanings ascribed to them in those sections.

Sec. 24. NRS 176A.100 is hereby amended to read as follows:

176A.100 1. Except as otherwise provided in this section and NRS 176A.110 and 176A.120, if a person is found guilty in a district court upon verdict or plea of:

(a) Murder of the first or second degree, kidnapping in the first degree, sexual assault, attempted sexual assault of a child who is less than 16 years of age, lewdness with a child pursuant to NRS 201.230, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or if the person is found to be a habitual criminal pursuant to NRS 207.010, a habitually fraudulent felon pursuant to NRS 207.014 or a habitual felon pursuant to NRS 207.012, the court shall not suspend the execution of the sentence imposed or grant probation to the person.

(b) A category E felony, except as otherwise provided in this paragraph, the court shall suspend the execution of the sentence imposed and grant probation to the person. The court may, as it deems advisable, decide not to suspend the execution of the sentence imposed and grant probation to the person if, at the time of sentencing, it is established that the person ~~[:~~

~~(1) Was serving a term of probation or was on parole at the time the crime was committed, whether in this State or elsewhere, for a felony conviction;~~

~~(2) Had previously had the person's probation or parole revoked, whether in this State or elsewhere, for a felony conviction;~~

~~(3) Had previously been assigned to a program of treatment and rehabilitation pursuant to NRS 453.580 and failed to successfully complete that program; or~~

~~(4) Had]~~ *had* previously been two times convicted, whether in this State or elsewhere, of a crime that under the laws of the situs of the crime or of this State would amount to a felony.

~~[→]~~ If the person denies the existence of a previous conviction, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the person. At such a hearing, the person may not challenge the validity of a previous conviction. For the purposes of this paragraph, a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.

(c) Another felony, a gross misdemeanor or a misdemeanor, the court may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to grant probation to a person, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to NRS 176A.300 to 176A.370, inclusive.

3. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the Chief Parole and Probation Officer, if any, in determining whether to grant probation to a person.

4. If the court determines that a person is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing the person to a term of imprisonment, grant probation pursuant to the Program of Intensive Supervision established pursuant to NRS 176A.440.

5. Except as otherwise provided in this subsection, if a person is convicted of a felony and the Division is required to make a presentence investigation and report to the court pursuant to NRS 176.135, the court shall not grant probation to the person until the court receives the report of the presentence investigation from the Chief Parole and Probation Officer. The Chief Parole and Probation Officer shall submit the report of the presentence investigation to the court not later than 45 days after receiving a request for a presentence investigation from the county clerk. If the report of the presentence

investigation is not submitted by the Chief Parole and Probation Officer within 45 days, the court may grant probation without the report.

6. If the court determines that a person is otherwise eligible for probation, the court shall, when determining the conditions of that probation, consider the imposition of such conditions as would facilitate timely payments by the person of an obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.

Sec. 25. NRS 176A.210 is hereby amended to read as follows:

176A.210 Upon entry of an order of probation by the court, a person:

1. Shall be deemed accepted for probation for all purposes; and

2. Shall submit to the Division for filing with the clerk of the court of competent jurisdiction a signed document stating that:

(a) The person will comply with the conditions which have been imposed by the court *;* ~~[and are stated in the document;]~~ and

(b) If the person fails to comply with the conditions imposed by the court and is taken into custody outside of this State, the person waives all rights relating to extradition proceedings.

Sec. 26. NRS 176A.250 is hereby amended to read as follows:

176A.250 A court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to NRS 174.032 , ~~[or]~~ 176A.260 ~~[.]~~ *or 176A.400 or section 19 of this act.* The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 27. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in ~~[subsection 2,]~~ *subparagraph (1) of paragraph (a) of subsection 3 of section 19 of this act,* if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may ~~[, without]~~ *:*

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend *or defer* further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 ~~[.]~~ *if the court determines that the defendant is eligible for participation in such a program; or*

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the court determines that the defendant is eligible for participation in such a program.

2. *Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the defendant is diagnosed as having a mental illness or an intellectual disability:*

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. If the offense committed by the defendant ~~[involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the court may not assign]~~ *is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony,* the defendant ~~[to the]~~ *is not eligible for assignment to the* program. ~~[unless the prosecuting attorney stipulates to the assignment.~~

~~3.]~~ *5.* Upon violation of a term or condition:

(a) The court may enter a judgment of conviction *, if applicable,* and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

~~[4.]~~ *6.* Upon fulfillment of the terms and conditions, the court ~~[shall]~~ *:*

(a) Shall discharge the defendant and dismiss the proceedings ~~[.]~~ *or set aside the judgment of conviction, as applicable, unless the defendant:*

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose

of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 28. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. After a defendant is discharged from probation *or a case is dismissed* pursuant to NRS 176A.260, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of a defendant *who is* discharged *from probation or whose case is dismissed* pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 29. NRS 176A.280 is hereby amended to read as follows:

176A.280 1. A district court, justice court or municipal court may establish an appropriate program for the treatment of veterans and members of the military to which it may assign a defendant pursuant to NRS 174.032 , ~~[or]~~ 176A.290 *or 176A.400 or section 19 of this act* if the defendant is a veteran or member of the military and:

(a) ~~[Appears to suffer]~~ *Is diagnosed after an in-person clinical assessment by a counselor who is licensed or certified to make such a diagnosis or a physician who is certified by the Board of Medical Examiners to make such a diagnosis, or by the results of a mental health or substance use screening, as suffering* from:

(1) Mental illness, alcohol or drug ~~[abuse,]~~ *use,* posttraumatic stress disorder or a traumatic brain injury, any of which appear to be related to military service, including, without limitation, any readjustment to civilian life which is necessary after combat service; or

(2) Military sexual trauma;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to NRS 176A.287 or any other provision of law.

2. The assignment of a defendant to a program pursuant to this section must:

(a) Include the terms and conditions for successful completion of the program; *and*

(b) Provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program . ~~[; and~~

~~(c) Be for a period of not less than 12 months.]~~

3. As used in this section:

(a) "Military sexual trauma" means psychological trauma that is the result of sexual harassment or an act of sexual assault that occurred while the veteran or member of the military was serving on active duty, active duty for training or inactive duty training.

(b) "Sexual harassment" means repeated, unsolicited verbal or physical contact of a sexual nature that is threatening in character.

Sec. 29.5. NRS 176A.287 is hereby amended to read as follows:

176A.287 1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if *:*

(a) The offense committed by the defendant ~~[:~~

~~(a) Has previously been assigned to such a program;]~~ *was a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony;* or

(b) ~~[Was]~~ *The defendant was* discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 30. NRS 176A.290 is hereby amended to read as follows:

176A.290 1. Except as otherwise provided in ~~[subsection 2 and]~~ NRS 176A.287 ~~[,]~~ *and subparagraph (1) of paragraph (a) of subsection 3 of section 19 of this act,* if a defendant described in NRS 176A.280 tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of ~~[, any]~~ *:*

(a) Any offense *punishable as a felony or gross misdemeanor* for which the suspension of sentence or the granting of probation is not prohibited by statute, the district court ~~[, justice court or municipal court, as applicable,]~~ may ~~[, without]~~ *:*

(1) Without entering a judgment of conviction and with the consent of the defendant, suspend *or defer* further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280 ~~[.]~~ *if the court determines that the defendant is eligible for participation in such a program; or*

(2) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful

completion of a program established pursuant to NRS 176A.280 if the court determines that the defendant is eligible for participation in such a program; or

(b) Any offense punishable as a misdemeanor for which the suspension of sentence is not prohibited by statute, the justice court or municipal court, as applicable, may, without entering a judgment of conviction and with the consent of the defendant, suspend further proceedings upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.280.

2. ~~[If the offense committed by the defendant involved the use or threatened use of force or violence or if the defendant was previously convicted in this State or in any other jurisdiction of a felony that involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, may not assign the defendant to the program unless the prosecuting attorney stipulates to the assignment. For the purposes of this subsection, in determining whether an offense involved the use or threatened use of force or violence, the district court, justice court or municipal court, as applicable, shall consider the facts and circumstances surrounding the offense, including, without limitation, whether the defendant intended to place another person in reasonable apprehension of bodily harm.~~

~~3.]~~ Upon violation of a term or condition:

(a) The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The district court, justice court or municipal court, as applicable, may enter a judgment of conviction *, if applicable,* and proceed as provided in the section pursuant to which the defendant was charged.

(c) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the district court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

~~[4.]~~ *3.* Except as otherwise provided in subsection 5, upon fulfillment of the terms and conditions ~~[, the]~~ *:*

(a) The district court ~~[, justice court or municipal court, as applicable, shall]~~ *:*

(1) Shall discharge the defendant and dismiss the proceedings ~~[.]~~ *or set aside the judgment of conviction, as applicable, unless the defendant:*

(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(II) Has previously failed to complete a specialty court program; or

(2) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(I) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(II) Has previously failed to complete a specialty court program; or

(b) The justice court or municipal court, as applicable, shall discharge the defendant and dismiss the proceedings.

4. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

5. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges. If a court conditionally dismisses the charges, the court shall notify the defendant that the conditionally dismissed charges are a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but are not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 31. NRS 176A.295 is hereby amended to read as follows:

176A.295 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation *or a case is dismissed* pursuant to NRS 176A.290, the justice court, municipal court or district court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The justice court, municipal

court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed as provided in ~~[subsection 5 of]~~ NRS 176A.290, not sooner than 7 years after such a conditional dismissal and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant *who is* discharged *from probation, whose case is dismissed* or whose charges were conditionally dismissed pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

Sec. 32. NRS 176A.400 is hereby amended to read as follows:

176A.400 1. In issuing an order granting probation, *a suspended sentence or a deferred sentence pursuant to section 19 of this act,* the court may fix the terms and conditions thereof, including, without limitation:

(a) A requirement for restitution;

(b) An order that the probationer dispose of all the weapons the probationer possesses; or

(c) Any reasonable conditions to protect the health, safety or welfare of the community or to ensure that the probationer will appear at all times and places ordered by the court, including, without limitation:

(1) Requiring the probationer to remain in this State or a certain county within this State;

(2) Prohibiting the probationer from contacting or attempting to contact a specific person *whom the probationer is prohibited from contacting by court order* or from causing or attempting to cause another person to contact that person on the probationer's behalf;

(3) Prohibiting the probationer from entering a certain geographic area; or

(4) Prohibiting the probationer from engaging in specific conduct that ~~[may be]~~ *is* harmful to the probationer's own health, safety or welfare, or the health, safety or welfare of another person.

2. In issuing an order granting probation *, a suspended sentence or a deferred sentence pursuant to section 19 of this act* to a person who is found

guilty of a category C, D or E felony, the court may require the person as a condition of probation to participate in and complete to the satisfaction of the court any alternative program, treatment or activity deemed appropriate by the court ~~[.]~~ *, including, without limitation, any specialty court program.*

3. The court shall not suspend the execution of a sentence of imprisonment after the defendant has begun to serve it.

4. In placing any defendant on probation or in granting a defendant a suspended *or deferred* sentence, the court shall direct that the defendant be placed under the supervision of the Chief Parole and Probation Officer.

Sec. 33. NRS 176A.420 is hereby amended to read as follows:

176A.420 1. Upon the granting of probation to a person convicted of a felony or gross misdemeanor, the court may, when the circumstances warrant, require as a condition of probation that the probationer submit to periodic tests to determine whether the probationer is using any controlled substance. Any such use or any failure or refusal to submit to a test is a ~~[ground for revocation of probation.]~~ *violation for which a graduated sanction may be imposed in accordance with the system adopted by the Division pursuant to section 18 of this act.*

2. Any expense incurred as a result of a test must be paid from appropriations to the Division on claims as other claims against the State are paid.

Sec. 34. NRS 176A.500 is hereby amended to read as follows:

176A.500 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the* period of probation or suspension of sentence may be indeterminate or may be fixed by the court and may at any time be extended or terminated by the court, but the period, including any extensions thereof, must not be more than:

(a) ~~[Three years]~~ *Twelve months* for a:

(1) Gross misdemeanor; or

(2) Suspension of sentence pursuant to NRS 176A.260, 176A.290 or 453.3363 ~~[,]~~ or *section 22 of this act;*

(b) ~~[Five years]~~ *Eighteen months* for a *category E* felony ~~[.]~~ *;*

(c) Twenty-four months for a category C or D felony; ~~[or]~~

(d) Thirty-six months for a category B felony ~~[.]~~ ; or

(e) Notwithstanding the provisions of paragraphs (a) to (d), inclusive, 60 months for a violent or sexual offense as defined in NRS 202.876.

2. *The court may extend the period of probation or suspension of sentence ordered pursuant to subsection 1 for a period of not more than 12 months if such an extension is necessary for the defendant to complete his or her participation in a specialty court program.*

3. At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Except for the purpose of giving a dishonorable discharge from probation, and except as otherwise provided in this subsection, the time during which a warrant for violating any of the conditions of probation is in effect is not part of the period of probation.

If the warrant is cancelled or probation is reinstated, the court may include any amount of that time as part of the period of probation.

~~[3.]~~ *4.* Any parole and probation officer or any peace officer with power to arrest may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so by giving the probationer a written statement setting forth that the probationer has, in the judgment of the parole and probation officer, violated the conditions of probation. Except as otherwise provided in subsection ~~[4,]~~ *5,* the parole and probation officer or the peace officer, after making an arrest, shall present to the detaining authorities, if any, a statement of the charges against the probationer. The parole and probation officer shall at once notify the court which granted probation of the arrest and detention or residential confinement of the probationer and shall submit a report in writing showing in what manner the probationer has violated the conditions of probation.

~~[4.]~~ *5.* A parole and probation officer or a peace officer may immediately release from custody without any further proceedings any person the officer arrests without a warrant for violating a condition of probation if the parole and probation officer or peace officer determines that there is no probable cause to believe that the person violated the condition of probation.

~~[5.]~~ *6.* A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor must be allowed for the period of the probation a deduction of:

(a) Ten days from that period for each month the person serves and is current with any fee to defray the costs of his or her supervision charged by the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 213.1076 and with any payment of restitution ordered by the court, including, without limitation, any payment of restitution required pursuant to NRS 176A.430. A person shall be deemed to be current with any such fee and payment of restitution for any given month if, during that month, the person makes at least the minimum monthly payment established by the court or, if the court does not establish a minimum monthly payment, by the Division.

(b) Except as otherwise provided in subsection ~~[7,]~~ *8,* 10 days from that period for each month the person serves and is actively involved in employment or enrolled in a program of education, rehabilitation or any other program approved by the Division.

~~[6.]~~ *7.* A person must be allowed a deduction pursuant to paragraph (a) or (b) of subsection ~~[5]~~ *6* regardless of whether the person has satisfied the requirements of the other paragraph and must be allowed a deduction pursuant to paragraphs (a) and (b) of subsection ~~[5]~~ *6* if the person has satisfied the requirements of both paragraphs of that subsection.

~~[7.]~~ *8.* A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor and who is a participant in a specialty court program must be allowed a deduction from the period of probation for being actively involved in employment or enrolled in a program of education,

rehabilitation or any other program approved by the Division only if the person successfully completes the specialty court program. Such a deduction must not exceed the length of time remaining on the person's period of probation.

~~[8. As used in this section, "specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from mental illnesses or abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.]~~

Sec. 35. NRS 176A.630 is hereby amended to read as follows:

176A.630 *1.* If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 *and system of graduated sanctions adopted pursuant to section 18 of this act, as applicable,* and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. ~~[The]~~ *If the court finds that the probationer committed a violation of a condition of probation by committing a new felony* ~~*[,]*~~ *or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485* ~~*[, or]*~~ *violation of NRS 484C.110 or 484C.120* *, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor or violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised or by absconding, the* court may:

~~[1.]~~ *(a)* Continue or revoke the probation or suspension of sentence;

~~[2.]~~ *(b)* Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

~~[3.]~~ *(c)* Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;

~~[4.]~~ *(d)* Cause the sentence imposed to be executed; or

~~[5.]~~ *(e)* Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine

whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this ~~[subsection.]~~ *paragraph.* The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this ~~[subsection]~~ *paragraph* is confidential.

2. If the court finds that the probationer committed one or more technical violations of the conditions of probation, the court may:

(a) Continue the probation or suspension of sentence;

(b) Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

(c) Temporarily revoke the probation or suspension of sentence and impose a term of imprisonment of not more than:

(1) Thirty days for the first temporary revocation;

(2) ~~[Sixty]~~ Ninety days for the second temporary revocation; or

(3) ~~[Ninety]~~ One hundred and eighty days for the third temporary revocation; or

(d) Fully revoke the probation or suspension of sentence and impose imprisonment for the remainder of the sentence for a fourth or subsequent revocation.

3. Notwithstanding any other provision of law, a probationer who is arrested and detained for committing a technical violation of the conditions of probation must be brought before the court not later than 15 calendar days after the date of arrest and detention. If ~~[a hearing]~~ the person is not ~~[held]~~ brought before the court within 15 calendar days, the probationer must be released from detention and returned to probation status. Following a probationer's release from detention, the court may subsequently hold a hearing to determine if a technical violation has occurred. If the court finds that such a technical violation occurred, the court may:

(a) Continue probation and modify the terms and conditions of probation; or

(b) Fully or temporarily revoke probation in accordance with the provisions of subsection 2.

4. The commission of one of the following acts by a probationer must not, by itself, be used as the only basis for the revocation of probation:

(a) Consuming any alcoholic beverage.

(b) Testing positive on a drug or alcohol test.

(c) Failing to abide by the requirements of a mental health or substance use treatment program.

(d) Failing to seek and maintain employment.

(e) Failing to pay any required fines or fees.

(f) Failing to report any changes in residence.

5. As used in this section:

(a) "Absconding" means ~~[failing to report or otherwise communicate with]~~ that a person is actively avoiding supervision by making his or her whereabouts unknown to the Division for a continuous period of 60 days or more.

(b) "Technical violation" means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a ~~[new]~~ :

(1) New felony ~~[,]~~ or gross misdemeanor ~~[, battery]~~ ;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485 ~~[or violation]~~ ;

(3) Violation of NRS 484C.110 or 484C.120 ~~[and does not constitute absconding.]~~ ; or

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor; or

(5) Violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised.

➥ The term does not include termination from a specialty court program.

Sec. 36. NRS 178.461 is hereby amended to read as follows:

178.461 1. If the proceedings against a defendant who is charged with any category A felony or a category B felony listed in subsection 6 are dismissed pursuant to subsection 5 of NRS 178.425, the prosecuting attorney may, within 10 judicial days after the dismissal, file a motion with the court for a hearing to determine whether to commit the person to the custody of the Administrator pursuant to subsection 3. Except as otherwise provided in subsection 2, the court shall hold the hearing within 10 judicial days after the motion is filed with the court.

2. If the prosecuting attorney files a motion pursuant to subsection 1, the prosecuting attorney shall, not later than the date on which the prosecuting attorney files the motion, request from the Division a comprehensive risk assessment which indicates whether the person requires the level of security provided by a forensic facility. The Division shall provide the requested comprehensive risk assessment to the court, the prosecuting attorney and counsel for the person not later than three judicial days before the hearing. If the person was charged with any category A felony other than murder or sexual assault or a category B felony listed in subsection 6 and the comprehensive risk assessment indicates that the person does not require the level of security provided by a forensic facility, the court shall dismiss the motion.

3. At a hearing held pursuant to subsection 1, if the court finds by clear and convincing evidence that the person has a mental disorder, that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility, the court may order:

(a) The sheriff to take the person into protective custody and transport the person to a forensic facility; and

(b) That the person be committed to the custody of the Administrator and kept under observation until the person is eligible for conditional release pursuant to NRS 178.463 or until the maximum length of commitment described in subsection 4 or 7 has expired.

4. Except as otherwise provided in subsection 7, the length of commitment of a person pursuant to subsection 3 must not exceed 10 years, including any time that the person has been on conditional release pursuant to NRS 178.463.

5. At least once every 12 months, the court shall review the eligibility of the defendant for conditional release.

6. The provisions of subsection 1 apply to any of the following category B felonies:

(a) Voluntary manslaughter pursuant to NRS 200.050;

(b) Mayhem pursuant to NRS 200.280;

(c) Kidnapping in the second degree pursuant to NRS 200.330;

(d) Assault with a deadly weapon pursuant to NRS 200.471;

(e) Battery with a deadly weapon pursuant to NRS 200.481;

(f) Aggravated stalking pursuant to NRS 200.575;

(g) First degree arson pursuant to NRS 205.010;

(h) ~~[Burglary]~~ *Residential burglary* with a deadly weapon pursuant to NRS 205.060;

(i) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(j) Any category B felony involving the use of a firearm; and

(k) Any attempt to commit a category A felony.

7. If a person is within 6 months of the maximum length of commitment set forth in this subsection or subsection 4, as applicable, and:

(a) Was charged with murder or sexual assault; and

(b) Was committed to the custody of the Administrator pursuant to this subsection or subsection 3,

➥ the Administrator may file a motion to request an extension of the length of commitment for not more than 5 additional years.

8. The court may grant a motion for an extension of the length of commitment pursuant to subsection 7 if, at a hearing conducted on the motion, the court finds by clear and convincing evidence that the person is a danger to himself or herself or others and that the person's dangerousness is such that the person requires placement at a forensic facility.

9. At a hearing conducted pursuant to subsection 8, a person who is committed has the right to be represented by counsel. If the person does not have counsel, the court shall appoint an attorney to represent the person.

Sec. 37. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176A.265, 176A.295, 179.247, 179.259, 201.354, 453.3365 and ~~[458.330,]~~ *sections 19 and 23 of this act,* a person may petition the court in

which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence pursuant to NRS 200.408 or *residential* burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365 , ~~[or 458.330,]~~ include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) *Invasion of the home with a deadly weapon pursuant to NRS 205.067;*

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

~~[(d)]~~ *(e)* A violation of NRS 484C.430;

~~[(e)]~~ *(f)* A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

~~[(f)]~~ *(g)* A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

~~[(g)]~~ *(h)* A violation of NRS 488.420 or 488.425.

7. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

8. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 38. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365 , ~~[or 458.330,]~~ include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting attorney stipulates to the sealing of the records after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

7. If the court finds that there has been an acquittal, that the prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal, declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 39. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or ~~[458.330,]~~ *section 19 or 23 of this act,* a copy of the order must be sent to:

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

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

Sec. 40. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or ~~[458.330:]~~ *section 19 or 23 of this act:*

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

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

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

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

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

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

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

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

Sec. 41. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or ~~[458.330]~~ *section 19 or 23 of this act* may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

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

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

4. This section does not prohibit a court from considering a ~~[conviction]~~ *proceeding* for which records have been sealed pursuant to NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 453.3365 or ~~[458.330]~~ *section 19 or 23 of this act* in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595, 453.3365 or ~~[458.330]~~ *section 19 or 23 of this act* for a conviction of another offense.

Sec. 41.5. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;

(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

(d) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

➥ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

➥ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 ~~[,]~~ *or* 453.339 , ~~[or 453.3395,]~~ or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 ~~[,]~~ *or* 453.339 , ~~[or 453.3395,]~~ or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) On or before July 1 of each year, prepare and post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected

pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 42. NRS 4.075 is hereby amended to read as follows:

4.075 1. In a county whose population is less than 100,000, the board of county commissioners may, in addition to any other fee required by law, impose by ordinance a filing fee of not more than $10 to be paid on the commencement of any action or proceeding in the justice court for which a fee is required and on the filing of any answer or appearance in any such action or proceeding for which a fee is required.

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the justice of the peace shall account for and pay over to the county treasurer any such fees collected by the justice of the peace during the preceding month for credit to an account for programs for the prevention and treatment of the ~~[abuse]~~ *use* of alcohol and drugs in the county general fund. The money in that account must be used only to support programs for the prevention or treatment of the ~~[abuse]~~ *use* of alcohol or drugs which may include, without limitation, any program ~~[of]~~ *for the* treatment ~~[for the abuse]~~ of *drug or* alcohol ~~[or drugs]~~ *use* established in a judicial district pursuant to ~~[NRS 453.580.]~~ *section 20 of this act.*

Sec. 43. NRS 4.3713 is hereby amended to read as follows:

4.3713 1. A justice court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to another justice court or a municipal court if:

(a) The case involves criminal conduct that occurred outside the limits of the county or township where the court is located and the defendant has appeared before a magistrate pursuant to NRS 171.178;

(b) Such a transfer is necessary to promote access to justice for the defendant and the justice court has noted its findings concerning that issue in the record; or

(c) The defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 ~~[, 453.580]~~ or ~~[458.300,]~~ *section 20 of this act,* or to access other services located elsewhere in this State.

2. A justice court may not issue an order for the transfer of a case pursuant to paragraph (b) or (c) of subsection 1 until a plea agreement has been reached or the final disposition of the case, whichever occurs first.

3. An order issued by a justice court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the justice court or municipal court to which the case was transferred. If a justice court or municipal court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the justice court which sought the transfer.

Sec. 44. NRS 4.3715 is hereby amended to read as follows:

4.3715 1. A justice court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to a district court in this State if the defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 ~~[, 453.580]~~ or ~~[458.300,]~~ *section 20 of this act,* or to access other services located elsewhere in this State.

2. A justice court may not issue an order for the transfer of a case pursuant to this section before a plea agreement has been reached or the disposition of the case, whichever occurs first.

3. An order issued by a justice court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the district court to which the case was transferred. If a district court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the justice court which sought the transfer.

Sec. 45. NRS 4.373 is hereby amended to read as follows:

4.373 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 2 years, the sentence *or a portion thereof* of a person convicted of a misdemeanor. If the circumstances warrant, the justice of the peace may order as a condition of suspension *, without limitation,* that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct *, or comply with any other condition,* deemed appropriate by the justice of the peace;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the ~~[abuse]~~ *use* of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(c) The programs set forth in paragraphs (a) and (b),

➥ and that the person comply with any other condition of suspension ordered by the justice of the peace.

3. Except as otherwise provided in this subsection, if a person is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the justice of the peace may suspend the sentence for not more than 2 years upon the condition that the person:

(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and

(b) Comply with any other condition of suspension ordered by the justice of the peace.

➥ The justice of the peace may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. The justice of the peace may order reports from a person whose sentence is suspended at such times as the justice of the peace deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

5. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 46. NRS 4.374 is hereby amended to read as follows:

4.374 1. As soon as possible after a defendant is arrested or cited, the justice of the peace shall attempt to determine whether the defendant is a

veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. Before accepting a plea from a defendant or proceeding to trial, the justice of the peace shall:

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military; and

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

3. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the justice court may, if the justice court has not established a program pursuant to NRS 176A.280 and, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or ~~[453.580.]~~ *section 20 of this act.*

4. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 47. NRS 5.0503 is hereby amended to read as follows:

5.0503 1. A municipal court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to a justice court or another municipal court if:

(a) The case involves criminal conduct that occurred outside the limits of the city where the court is located and the defendant has appeared before a magistrate pursuant to NRS 171.178;

(b) Such a transfer is necessary to promote access to justice for the defendant and the municipal court has noted its findings concerning that issue in the record; or

(c) The defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 ~~[, 453.580]~~ or ~~[458.300,]~~ *section 20 of this act,* or to access other services located elsewhere in this State.

2. A municipal court may not issue an order for the transfer of a case pursuant to paragraph (b) or (c) of subsection 1 until a plea agreement has been reached or the final disposition of the case, whichever occurs first.

3. An order issued by a municipal court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the justice court or municipal court to which the case was transferred. If a justice court or municipal court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the municipal court which sought the transfer.

Sec. 48. NRS 5.0505 is hereby amended to read as follows:

5.0505 1. A municipal court may, on its own motion, transfer original jurisdiction of a criminal case filed with that court to a district court in this State if the defendant agrees to participate in a program of treatment, including, without limitation, a program of treatment made available pursuant to NRS 176A.250, 176A.280 ~~[, 453.580]~~ or ~~[458.300,]~~ *section 20 of this act,* or to access other services located elsewhere in this State.

2. A municipal court may not issue an order transferring a case pursuant to this section before a plea agreement has been reached or the disposition of the case, whichever occurs first.

3. An order issued by a municipal court which transfers a case pursuant to this section becomes effective after a notice of acceptance is returned by the district court to which the case was transferred. If a district court refuses to accept the transfer of a case pursuant to subsection 1, the case must be returned to the municipal court which sought the transfer.

Sec. 49. NRS 5.055 is hereby amended to read as follows:

5.055 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 2 years, the sentence *or a portion thereof* of a person convicted of a misdemeanor. If the circumstances warrant, the municipal judge may order as a condition of suspension *, without limitation,* that the offender:

(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;

(b) Engage in a program of community service, for not more than 200 hours;

(c) Actively participate in a program of professional counseling at the expense of the offender;

(d) Abstain from the use of alcohol and controlled substances;

(e) Refrain from engaging in any criminal activity;

(f) Engage or refrain from engaging in any other conduct *, or comply with any other condition,* deemed appropriate by the municipal judge;

(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.

2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:

(a) A program of treatment for the ~~[abuse]~~ *use* of alcohol or drugs which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;

(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or

(c) The programs set forth in paragraphs (a) and (b),

➥ and that the person comply with any other condition of suspension ordered by the municipal judge.

3. Except as otherwise provided in this subsection, if a person is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the municipal judge may suspend the sentence for not more than 2 years upon the condition that the person:

(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and

(b) Comply with any other condition of suspension ordered by the municipal judge.

➥ The municipal judge may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

4. The municipal judge may order reports from a person whose sentence is suspended at such times as the municipal judge deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.

5. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.

Sec. 50. NRS 5.057 is hereby amended to read as follows:

5.057 1. As soon as possible after a defendant is arrested or cited, the municipal judge shall attempt to determine whether the defendant is a veteran or a member of the military and, if so, whether the defendant meets the qualifications of subsection 1 of NRS 176A.280. Before accepting a plea from a defendant or proceeding to trial, the municipal judge shall:

(a) Address the defendant personally and ask the defendant if he or she is a veteran or a member of the military; and

(b) Determine whether the defendant meets the qualifications of subsection 1 of NRS 176A.280.

2. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the municipal court may, if the municipal court has not established a program pursuant to NRS 176A.280 and, if appropriate, take any action authorized by law for the purpose of having the defendant assigned to:

(a) A program of treatment established pursuant to NRS 176A.280; or

(b) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.250 or ~~[453.580.]~~ *section 20 of this act.*

3. As used in this section:

(a) "Member of the military" has the meaning ascribed to it in NRS 176A.043.

(b) "Veteran" has the meaning ascribed to it in NRS 176A.090.

Sec. 51. NRS 19.03135 is hereby amended to read as follows:

19.03135 1. In a county whose population is less than 100,000, the board of county commissioners may, in addition to any other fee required by law, impose by ordinance a filing fee of not more than $10 to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, except as otherwise required pursuant to NRS 19.034.

2. On or before the fifth day of each month, in a county where a fee has been imposed pursuant to subsection 1, the clerk of the court shall account for and pay over to the county treasurer any such fees collected by the clerk of the court during the preceding month for credit to an account for programs for the prevention and treatment of the ~~[abuse]~~ *use* of alcohol and drugs in the county general fund. The money in that account must be used only to support programs for the prevention or treatment of the ~~[abuse]~~ *use* of alcohol or drugs which may include, without limitation, any program ~~[of]~~ *for* treatment ~~[for the abuse]~~ of *drug or* alcohol ~~[or drugs]~~ *use* established in a judicial district pursuant to ~~[NRS 453.580.]~~ *section 20 of this act.*

Sec. 51.5. NRS 193.130 is hereby amended to read as follows:

193.130 1. Except when a person is convicted of a category A felony, and except as otherwise provided by specific statute, a person convicted of a felony shall be sentenced to a minimum term and a maximum term of imprisonment which must be within the limits prescribed by the applicable statute, unless the statute in force at the time of commission of the felony prescribed a different penalty. The minimum term of imprisonment that may be imposed must not exceed 40 percent of the maximum term imposed.

2. Except as otherwise provided by specific statute, for each felony committed on or after July 1, 1995:

(a) A category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.

(b) A category B felony is a felony for which the minimum term of imprisonment in the state prison that may be imposed is not less than 1 year and the maximum term of imprisonment that may be imposed is not more than 20 years, as provided by specific statute.

(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition

to any other penalty, the court may impose a fine of not more than $10,000, unless a greater fine is authorized or required by statute.

(d) A category D felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. In addition to any other penalty, the court may impose a fine of not more than $5,000, unless a greater fine is authorized or required by statute.

(e) A category E felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years. Except as otherwise provided in paragraph (b) of subsection 1 of NRS 176A.100 ~~[,]~~ *or paragraph (a) of subsection 2 of NRS 453.336,* upon sentencing a person who is found guilty of a category E felony, the court shall suspend the execution of the sentence and grant probation to the person upon such conditions as the court deems appropriate. Such conditions of probation may include, but are not limited to, requiring the person to serve a term of confinement of not more than 1 year in the county jail. In addition to any other penalty, the court may impose a fine of not more than $5,000, unless a greater penalty is authorized or required by statute.

Sec. 52. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsection 2 or 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third offense within 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130 and by a fine of not more than $15,000.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a felony pursuant to paragraph (c) of subsection 1 or subsection 2; or

(b) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a),

➥ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than $2,000, but not more than $5,000.

4. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, ~~[but not more than 12 months,]~~ at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for *not less than* 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➥ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

5. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

➥ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a) or (b) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense

constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

6. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of $35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

7. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the ~~[abuse]~~ *use* of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

8. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

9. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows, or it is obvious, that the charge is not supported by probable cause or cannot be proved at the time of trial. Except as otherwise provided in this subsection, a court shall not grant probation to or suspend the sentence of such a person. A court may grant probation to or suspend the sentence of such a person:

(a) As set forth in NRS 4.373 and 5.055; or

(b) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.

10. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

11. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

12. As used in this section:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) "Offense" includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

Sec. 53. (Deleted by amendment.)

Sec. 54. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is:

(1) Twenty-one years of age or older; or

(2) At least 18 years of age but less than 21 years of age if the person:

(I) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or

(II) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has *:* ~~[been:]~~

(1) ~~[Convicted]~~ *Been convicted* of violating the provisions of NRS 484C.110; or

(2) ~~[Committed for]~~ *Participated in a program of* treatment pursuant to ~~[NRS 458.290]~~ *sections 20* to ~~[458.350,]~~ *23,* inclusive ~~[.]~~ *, of this act.*

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

(k) Has been discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under conditions other than honorable conditions and is less than 21 years of age.

5. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 4 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

6. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

7. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) If the applicant is a person described in subparagraph (2) of paragraph (a) of subsection 3, proof that the applicant:

(1) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, as evidenced by his or her current military identification card; or

(2) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions, as evidenced by his or her DD Form 214, "Certificate of Release or Discharge from Active Duty," or other document of honorable separation issued by the United States Department of Defense;

(g) A nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and

(h) A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 55. NRS 205.060 is hereby amended to read as follows:

205.060 1. ~~[Except as otherwise provided in subsection 5, a]~~ *A* person who, by day or night, *unlawfully* enters *or unlawfully remains in* any ~~[house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car,]~~ *:*

(a) Dwelling with the intent to commit grand or petit larceny, assault or battery on any person or any felony , or to obtain money or property by false pretenses, is guilty of *residential* burglary.

(b) Business structure with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a business.

(c) Motor vehicle, or any part thereof, with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a motor vehicle.

(d) Structure other than a dwelling, business structure or motor vehicle with the intent to commit grand or petit larceny, assault or battery on any person or any felony is guilty of burglary of a structure.

2. Except as otherwise provided in this section, a person convicted of ~~[burglary]~~ *:*

(a) Burglary of a motor vehicle :

(1) For the first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

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

(b) Burglary of a structure is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(c) Burglary of a business is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(d) Residential burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years . ~~[, and may be further punished by a fine of not more than $10,000. A]~~

3. If mitigating circumstances exist, a person who is convicted of *residential* burglary ~~[and who]~~ *may be released on probation and granted a suspension of sentence if the person* has *not* previously been convicted of *residential* burglary or another crime involving the ~~[forcible]~~ *unlawful* entry or invasion of a dwelling . ~~[must not be released on probation or granted a suspension of sentence.~~

~~3.]~~ *4.* Whenever ~~[a]~~ *any* burglary *pursuant to this section* is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

~~[4.]~~ *5.* A person convicted of *any* burglary *pursuant to this section* who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the *dwelling,* structure *or motor vehicle* or upon leaving the *dwelling,* structure ~~[,]~~ *or motor vehicle,* is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

~~[5. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to commit petit larceny unless the person has previously been convicted:~~

~~(a) Two or more times for committing petit larceny within the immediately preceding 7 years; or~~

~~(b) Of a felony.]~~

6. As used in this section:

(a) "Business structure" means any structure or building, the primary purpose of which is to carry on any lawful effort for a business, including, without limitation, any business with an educational, industrial, benevolent, social or political purpose, regardless of whether the business is operated for profit.

(b) "Dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car, including, without limitation, any part thereof that is divided into a separately occupied unit:

(1) In which any person lives; or

(2) Which is customarily used by a person for overnight accommodations,

➥ *regardless of whether the person is inside at the time of the offense.*

(c) "Motor vehicle" means any motorized craft or device designed for the transportation of a person or property across land or water or through the air which does not qualify as a dwelling or business structure pursuant to this section.

(d) "Unlawfully enters or unlawfully remains" means for a person to enter or remain in a dwelling, structure or motor vehicle or any part thereof, including, without limitation, under false pretenses, when the person is not licensed or privileged to do so . ~~[, without regard to the purpose or intent of the person.]~~ For purposes of this definition, a license or privilege to enter or remain in a part of a dwelling, structure or motor vehicle that is open to the public is not a license or privilege to enter or remain in a part of the dwelling, structure or motor vehicle that is not open to the public.

Sec. 56. NRS 205.067 is hereby amended to read as follows:

205.067 1. A person who, by day or night, forcibly enters ~~[an inhabited]~~ *a* dwelling without permission of the owner, resident or lawful occupant, whether or not a person is present at the time of the entry, is guilty of invasion of the home.

2. A person convicted of invasion of the home is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000. A person who is convicted of invasion of the home and who has previously been convicted of *any* burglary *pursuant to NRS 205.060* or invasion of the home must not be released on probation or granted a suspension of sentence.

3. Whenever an invasion of the home is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car traveled during the time the invasion was committed.

4. A person convicted of invasion of the home who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

5. As used in this section:

(a) *"Dwelling" has the meaning ascribed to it in NRS 205.060.*

(b) "Forcibly enters" means the entry of an inhabited dwelling involving any act of physical force resulting in damage to the structure.

~~[(b) "Inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer,~~

~~travel trailer, motor home or railroad car in which the owner or other lawful occupant resides.]~~

Sec. 57. (Deleted by amendment.)

Sec. 58. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft ~~[is]~~ *:*

(a) Is less than ~~[$650,]~~ *$1,200,* the person who committed the theft is guilty of a misdemeanor.

~~[3. If the value of the property or services involved in the theft is $650]~~

(b) Is $1,200 or more but less than $5,000, the person who committed the theft is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(c) Is $5,000 or more but less than ~~[$3,500,]~~ *$25,000,* the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[4. If the value of the property or services involved in the theft is $3,500]~~

(d) Is $25,000 or more ~~[,]~~ *but less than $100,000,* the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

~~[5.]~~ *(e) Is $100,000 or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.*

3. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Sec. 59. NRS 205.130 is hereby amended to read as follows:

205.130 1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:

(a) Money;

(b) Delivery of other valuable property;

(c) Services;

(d) The use of property; or

(e) Credit extended by any licensed gaming establishment,

➥ drawn upon any real or fictitious person, bank, firm, partnership, corporation or depositary, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of ~~[$650]~~ *$1,200* or more, the person is guilty of a category D felony and shall be punished as

provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. A person who was previously convicted three times of a misdemeanor under the provisions of this section, or of an offense of a similar nature, in this State or any other state, or in a federal jurisdiction, who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A person who willfully issues any check or draft for the payment of wages in excess of ~~[$650,]~~ *$1,200,* when the person knows he or she has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a gross misdemeanor.

4. For the purposes of this section, "credit" means an arrangement or understanding with a person, firm, corporation, bank or depositary for the payment of a check or other instrument.

Sec. 60. NRS 205.134 is hereby amended to read as follows:

205.134 1. A notice in boldface type which is clearly legible and is in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:

> The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of ~~[$650]~~ *$1,200* or more or by a person who previously has been convicted three times of this or a similar offense is punishable as a category D felony as provided in NRS 193.130.

2. Failure of the owner, operator or manager of a bank or other place of business to post the sign required by this section is not a defense to charge of a violation of NRS 205.130.

Sec. 60.3. NRS 205.2175 is hereby amended to read as follows:

205.2175 As used in NRS 205.2175 to ~~[205.2707,]~~ *205.2705,* inclusive, unless the context otherwise requires, the words and terms defined in NRS 205.218 to 205.2195, inclusive, have the meanings ascribed to them in those sections.

Sec. 60.7. NRS 205.2195 is hereby amended to read as follows:

205.2195 "Property" means:

1. Personal goods, personal property and motor vehicles;

2. Money, negotiable instruments and other items listed in NRS 205.260;

3. Livestock, domesticated animals and domesticated birds; and

4. Any other item of value, whether or not the item is listed in NRS 205.2175 to ~~[205.2707,]~~ *205.2705,* inclusive.

Sec. 61. NRS 205.220 is hereby amended to read as follows:

205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:

(a) Personal goods or property, with a value of ~~[$650]~~ *$1,200* or more, owned by another person;

(b) Bedding, furniture or other property, with a value of ~~[$650]~~ *$1,200* or more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(c) Real property, with a value of ~~[$650]~~ *$1,200* or more, that the person has converted into personal property by severing it from real property owned by another person.

2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled.

3. Intentionally steals, takes and carries away, leads away, drives away or entices away:

(a) One or more head of livestock owned by another person; or

(b) One or more domesticated animals or domesticated birds, with an aggregate value of ~~[$650]~~ *$1,200* or more, owned by another person.

4. With the intent to defraud, steal, appropriate or prevent identification:

(a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;

(b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;

(c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or

(d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of ~~[$650]~~ *$1,200* or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

Sec. 62. NRS 205.222 is hereby amended to read as follows:

205.222 1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of NRS 205.220 shall be punished pursuant to the provisions of this section.

2. If the value of the property involved in the grand larceny ~~[is]~~ *:*

(a) Is less than $5,000, the person who committed the grand larceny is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Is $5,000 or more but less than ~~[$3,500,]~~ *$25,000,* the person who committed the grand larceny is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[3. If the value of the property involved in the grand larceny is $3,500]~~

(c) Is $25,000 or more ~~[,]~~ *but less than $100,000,* the person who committed the grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

~~[4.]~~ *(d) Is $100,000 or more, the person who committed the grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.*

3. In addition to any other penalty, the court shall order the person who committed the grand larceny to pay restitution.

~~[5.]~~ *4.* If the grand larceny involved a sale in violation of subsection 3 or 4 of NRS 205.220, all proceeds from the sale are subject to forfeiture.

Sec. 63. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. ~~[Except as otherwise provided in subsection 3, a]~~ *A* person who commits grand larceny of a motor vehicle is guilty of ~~[a]~~ *:*

(a) A category C felony and shall be punished as provided in NRS 193.130.

~~[3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is $3,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of]~~

(b) For a second or subsequent offense within 5 years, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[10]~~ *6* years, and by a fine of not more than ~~[$10,000.~~

~~4.]~~ *$5,000.*

3. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 64. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228, 475.105 and 501.3765, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than ~~[$650,]~~ *$1,200,* owned by another person;

(2) Bedding, furniture or other property, with a value of less than ~~[$650,]~~ *$1,200,* which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than ~~[$650,]~~ *$1,200,* that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than ~~[$650,]~~ *$1,200,* owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor.

3. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 64.5. NRS 205.251 is hereby amended to read as follows:

205.251 For the purposes of NRS 205.2175 to ~~[205.2707,]~~ *205.2705*, inclusive:

1. The value of property involved in a larceny offense shall be deemed to be the highest value attributable to the property by any reasonable standard.

2. The value of property involved in larceny offenses committed by one or more persons pursuant to a scheme or continuing course of conduct may be aggregated in determining the grade of the larceny offenses.

Sec. 65. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of less than ~~[$650]~~ *$1,200* within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of ~~[$650]~~ *$1,200* or more within a period of 90 days is guilty of:

(a) ~~[If the value of the scrap metal or utility property taken is less than $3,500, a category C felony and shall be punished as provided in NRS 193.130; or~~

~~(b)]~~ If the value of the scrap metal or utility property taken is ~~[$3,500]~~ *$1,200* or more ~~[,]~~ *but less than $5,000, a category D felony and shall be punished as provided in NRS 193.130.*

(b) If the value of the scrap metal or utility property taken is $5,000 or more but less than $25,000, a category C felony and shall be punished as provided in NRS 193.130.

(c) If the value of the scrap metal or utility property taken is $25,000 or more but less than $100,000, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) If the value of the scrap metal or utility property taken is $100,000 or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

3. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 or 2 to pay restitution and:

(a) For a first offense, to perform 100 hours of community service.

(b) For a second offense, to perform 200 hours of community service.

(c) For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.

4. In determining the value of the scrap metal or utility property taken, the cost of repairing and, if necessary, replacing any property damaged by the theft of the scrap metal or utility property must be added to the value of the property.

5. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" has the meaning ascribed to it in NRS 202.582.

Sec. 66. NRS 205.270 is hereby amended to read as follows:

205.270 1. A person who, under circumstances not amounting to robbery, with the intent to steal or appropriate to his or her own use, takes property from the person of another, without the other person's consent, is guilty of ~~[:~~

~~(a) If the value of the property taken is less than $3,500,]~~ a category C felony and shall be punished as provided in NRS 193.130 . ~~[; or~~

~~(b) If the value of the property taken is $3,500 or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.]~~

2. In addition to any other penalty, the court shall order the person to pay restitution.

3. The court shall not grant probation to or suspend the sentence of any person convicted of violating subsection 1 if the person from whom the property was taken has any infirmity caused by age or other physical condition.

Sec. 67. (Deleted by amendment.)

Sec. 68. NRS 205.273 is hereby amended to read as follows:

205.273 1. A person commits an offense involving a stolen vehicle if the person:

(a) With the intent to procure or pass title to a motor vehicle which the person knows or has reason to believe has been stolen, receives or transfers possession of the vehicle from or to another person; or

(b) Has in his or her possession a motor vehicle which the person knows or has reason to believe has been stolen.

2. The provisions of subsection 1 do not apply to an officer of the law if the officer is engaged in the performance of his or her duty as an officer at the time of the receipt, transfer or possession of the stolen vehicle.

3. ~~[Except as otherwise provided in subsection 4, a]~~ *A* person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. ~~[If the prosecuting attorney proves that the value of the vehicle involved is $3,500 or more, the person who violated the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.~~

~~5.]~~ In addition to any other penalty, the court shall order the person to pay restitution.

~~[6. For the purposes of this section, the value of a vehicle shall be deemed to be the highest value attributable to the vehicle by any reasonable standard.]~~

Sec. 69. NRS 205.275 is hereby amended to read as follows:

205.275 1. Except as otherwise provided in NRS 501.3765, a person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than ~~[$650,]~~ *$1,200,* is guilty of a misdemeanor;

(b) *If the value of the property is $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130;*

(c) If the value of the property is ~~[$650]~~ *$5,000* or more but less than ~~[$3,500,]~~ *$25,000,* is guilty of a category C felony and shall be punished as provided in NRS 193.130; ~~[or~~

~~(c)]~~ *(d)* If the value of the property is ~~[$3,500]~~ *$25,000* or more *but less than $100,000* or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000 ~~[.]~~ *; or*

(e) If the value of the property is $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 70. NRS 205.365 is hereby amended to read as follows:

205.365 A person, after once selling, bartering or disposing of any tract of land, town lot, or executing any bond or agreement for the sale of any land or town lot, who again, knowingly and fraudulently, sells, barters or disposes of the same tract of land or lot, or any part thereof, or knowingly and fraudulently executes any bond or agreement to sell, barter or dispose of the same land or lot, or any part thereof, to any other person, for a valuable consideration, shall be punished:

1. Where the value of the property involved is ~~[$650]~~ *$1,200* or more, for a category ~~[C]~~ *D* felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value of the property is less than ~~[$650,]~~ *$1,200,* for a misdemeanor.

Sec. 71. NRS 205.370 is hereby amended to read as follows:

205.370 A person who, by false representations of his or her own wealth, or mercantile correspondence and connections, obtains a credit thereby and defrauds any person of money, goods, chattels or any valuable thing, or if a person causes or procures another to report falsely of his or her wealth or mercantile character, and by thus imposing upon any person obtains credit and thereby fraudulently gets into the possession of goods, wares or merchandise, or other valuable thing, is a swindler, and must be sentenced to return the property fraudulently obtained, if it can be done, or to pay restitution and shall be punished:

1. Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is ~~[$650]~~ *$1,200* or more, for a category ~~[C]~~ *D* felony as provided in NRS 193.130.

2. Otherwise, for a misdemeanor.

Sec. 72. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➥ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than ~~[$650.]~~ *$1,200.*

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 73. NRS 205.380 is hereby amended to read as follows:

205.380 1. A person who knowingly and designedly by any false pretense obtains from any other person any chose in action, money, goods, wares, chattels, effects or other valuable thing, including rent or the labor of another person not his or her employee, with the intent to cheat or defraud the other person, is a cheat, and, unless otherwise prescribed by law, shall be punished:

(a) *If the value of the thing or labor fraudulently obtained was less than $1,200, for a misdemeanor, and must be sentenced to restore the property fraudulently obtained if it can be done, or tender payment for rent or labor.*

(b) If the value of the thing or labor fraudulently obtained was $1,200 or more but less than $5,000, for a category D felony as provided in NRS 193.130.

(c) If the value of the thing or labor fraudulently obtained was $5,000 or more but less than $25,000, for a category C felony as provided in NRS 193.130.

(d) If the value of the thing or labor fraudulently obtained was ~~[$650]~~ *$25,000* or more ~~[,]~~ *but less than $100,000,* for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[6]~~ *10* years, ~~[or]~~ *and* by a fine of not more than $10,000 . ~~[, or by both fine and imprisonment.]~~

(e) If the value of the thing or labor fraudulently obtained was $100,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

2. In addition to any other penalty ~~[,]~~ *set forth in paragraph (b), (c), (d) or (e) of subsection 1,* the court shall order the person to pay restitution.

~~[(b) If the value of the thing or labor fraudulently obtained was less than $650, for a misdemeanor, and must be sentenced to restore the property fraudulently obtained, if it can be done, or tender payment for rent or labor.~~

~~2.]~~ *3.* For the purposes of this section, it is prima facie evidence of an intent to defraud if the drawer of a check or other instrument given in payment for:

(a) Property which can be returned in the same condition in which it was originally received;

(b) Rent; or

(c) Labor performed in a workmanlike manner whenever a written estimate was furnished before the labor was performed and the actual cost of the labor does not exceed the estimate,

➥ stops payment on that instrument and fails to return or offer to return the property in that condition, or to specify in what way the labor was deficient within 5 days after receiving notice from the payee that the instrument has not been paid by the drawee.

~~[3.]~~ *4.* The notice must be sent to the drawer by certified mail, return receipt requested, at the address shown on the instrument. The notice must

include a statement of the penalties set forth in this section. Return of the notice because of nondelivery to the drawer raises a rebuttable presumption of the intent to defraud.

~~[4.]~~ *5.* A notice in boldface type clearly legible and in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted or labor is performed for the public and must be furnished in written form by a landlord to a tenant:

The stopping of payment on a check or other instrument given in payment for property which can be returned in the same condition in which it was originally received, rent or labor which was completed in a workmanlike manner, and the failure to return or offer to return the property in that condition or to specify in what way the labor was deficient within 5 days after receiving notice of nonpayment is punishable:

1. *If the value of the property, rent or labor fraudulently obtained was less than $1,200, as a misdemeanor by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment.*

2. If the value of the property, rent or labor fraudulently obtained was $1,200 or more but less than $5,000, as a category D felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. If the value of the property, rent or labor fraudulently obtained was $5,000 or more but less than $25,000, as a category C felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

4. If the value of the property, rent or labor fraudulently obtained was ~~[$650]~~ *$25,000* or more ~~[,]~~ *but less than $100,000,* as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~[6]~~ *10* years, ~~[or]~~ *and* by a fine of not more than $10,000 . ~~[, or by both fine and imprisonment.~~

~~2.]~~ *5.* If the value of the property, rent or labor ~~[so]~~ fraudulently obtained was ~~[less than $650, as a misdemeanor]~~ *$100,000 or more, as a category B felony* by imprisonment in the ~~[county jail]~~ *state prison* for *a minimum term of* not ~~[more]~~ *less* than ~~[6 months, or]~~ *1 year and a maximum term of not more than 20 years, and* by a fine of not more than ~~[$1,000, or by both fine and imprisonment.]~~ *$15,000.*

Sec. 74. NRS 205.415 is hereby amended to read as follows:

205.415 A person who sells one or more tickets to any ball, benefit or entertainment, or asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being authorized thereto by the person, association or order for whose benefit or pretended benefit it is done, shall be punished:

1. Where the amount received from such sales, subscriptions or promises totals ~~[$650]~~ *$1,200* or more, for a category ~~[C]~~ *D* felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Otherwise, for a misdemeanor.

Sec. 75. NRS 205.445 is hereby amended to read as follows:

205.445 1. It is unlawful for a person:

(a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with the intent to defraud the proprietor or manager thereof;

(b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or

(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his or her baggage therefrom, without paying for the food or accommodations.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is ~~[$650]~~ *$1,200* or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Otherwise, for a misdemeanor.

3. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person gave in payment for the food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that the person absconded without paying or offering to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person surreptitiously removed or attempted to remove his or her baggage, is prima facie evidence of the fraudulent intent mentioned in this section.

4. This section does not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days.

Sec. 76. (Deleted by amendment.)

Sec. 77. (Deleted by amendment.)

Sec. 78. (Deleted by amendment.)

Sec. 79. NRS 205.520 is hereby amended to read as follows:

205.520 A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that the goods covered by the document of title have not been received by him or her, or are not under his or her control at the time the document is issued, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[$650]~~ *$1,200* or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$650,]~~ *$1,200,* for a misdemeanor.

Sec. 80. NRS 205.540 is hereby amended to read as follows:

205.540 Except as otherwise provided in chapter 104 of NRS, a bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a duplicate or additional negotiable document of title, knowing that a former negotiable document for the same goods or any part of them is outstanding and uncancelled, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[$650]~~ *$1,200* or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$650,]~~ *$1,200,* for a misdemeanor.

Sec. 81. NRS 205.570 is hereby amended to read as follows:

205.570 A person who, with the intent to defraud, obtains a negotiable document of title for goods to which the person does not have title, or which are subject to a security interest, and negotiates the document for value, without disclosing the want of title or the existence of the security interest, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[$650]~~ *$1,200* or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$650,]~~ *$1,200,* for a misdemeanor.

Sec. 82. NRS 205.580 is hereby amended to read as follows:

205.580 A person who, with the intent to defraud, secures the issue by a bailee of a negotiable document of title, knowing at the time of issue that any or all of the goods are not in possession of the bailee, by inducing the bailee to believe that the goods are in the bailee's possession, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[$650]~~ *$1,200* or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$650,]~~ *$1,200,* for a misdemeanor.

Sec. 83. NRS 205.590 is hereby amended to read as follows:

205.590 A person who, with the intent to defraud, negotiates or transfers for value a document of title, which by the terms thereof represents that goods are in possession of the bailee who issued the document, knowing that the bailee is not in possession of the goods or any part thereof, without disclosing this fact, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[$650]~~ *$1,200* or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[$650,]~~ *$1,200,* for a misdemeanor.

Sec. 84. NRS 205.605 is hereby amended to read as follows:

205.605 1. A person shall not:

(a) Use a scanning device to access, read, obtain, memorize or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card:

(1) Without the permission of the authorized user of the payment card; and

(2) With the intent to defraud the authorized user, the issuer of the payment card or any other person.

(b) Use a reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card:

(1) Without the permission of the authorized user of the card from which the information is being reencoded; and

(2) With the intent to defraud the authorized user, the issuer of the payment card or any other person.

2. A person who violates any provision of this section is guilty of a category ~~[B]~~ *C* felony and shall be punished ~~[by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $100,000.]~~ *as provided in NRS 193.130.*

3. In addition to any other penalty, the court shall order a person who violates any provision of this section to pay restitution, including, without limitation, any attorney's fees and costs incurred to:

(a) Repair the credit history or rating of each person who is a victim of the violation; and

(b) Satisfy a debt, lien or other obligation incurred by each person who is a victim of the violation.

Sec. 84.3. NRS 205.606 is hereby amended to read as follows:

205.606 1. A person shall not ~~[possess]~~ *:*

(a) Install or affix, temporarily or permanently, a scanning device within or upon a machine with the intent to use the scanning device for an unlawful purpose;

(b) Access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose; or

(c) Possess a scanning device or reencoder with the intent to use the scanning device or reencoder for an unlawful purpose.

2. A person who violates any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. As used in this section, "machine" means a machine used to conduct financial transactions, including, without limitation, an automated teller or fuel pump. As used in this subsection, "automated teller" means an electronic device that dispenses cash in connection with an account maintained in a financial institution or with another business.

Sec. 84.5. NRS 205.607 is hereby amended to read as follows:

205.607 The provisions of NRS 205.601 to 205.608, inclusive, do not apply to any person who, without the intent to defraud or commit an unlawful act, *installs, affixes, accesses,* possesses or uses a scanning device or reencoder:

1. In the ordinary course of his or her business or employment; or

2. Pursuant to a financial transaction entered into with an authorized user of a payment card who has given permission for the financial transaction.

Sec. 84.7. NRS 205.940 is hereby amended to read as follows:

205.940 1. Any person who in renting or leasing any personal property obtains or retains possession of such personal property by means of any false or fraudulent representation, fraudulent concealment, false pretense or personation, trick, artifice or device, including, but not limited to, a false representation as to his or her name, residence, employment or operator's license, is guilty of larceny and shall be punished as provided in NRS 205.2175 to ~~[205.2707,]~~ *205.2705,* inclusive. It is a complete defense to any civil action arising out of or involving the arrest or detention of any person renting or leasing personal property that any representation made by the person in obtaining or retaining possession of the personal property is contrary to the fact.

2. Any person who, after renting or leasing any personal property under an agreement in writing which provides for the return of the personal property to a particular place at a particular time fails to return the personal property to such place within the time specified, and who, with the intent to defraud the lessor or to retain possession of such property without the lessor's permission, thereafter fails to return such property to any place of business of the lessor within 72 hours after a written demand for the return of such property is made upon the person by registered mail addressed to his or her address as shown in the written agreement, or in the absence of such address, to his or her last known place of residence, is guilty of larceny and shall be punished as provided in NRS 205.2175 to ~~[205.2707,]~~ *205.2705,* inclusive. The failure to return the personal property to the place specified in the agreement is prima facie evidence of an intent to defraud the lessor or to retain possession of such property without the lessor's permission. It is a complete defense to any civil action arising out of or involving the arrest or detention of any person upon whom such demand was made that the person failed to return the personal

property to any place of business of the lessor within 20 days after such demand.

Sec. 85. NRS 205.950 is hereby amended to read as follows:

205.950 1. It is unlawful for a person to receive an advance fee, salary, deposit or money to obtain a loan for another unless the person places the advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan.

2. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsection 1 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in subsection 3.

3. A person who violates the provisions of this section:

(a) Is guilty of a misdemeanor if the amount is less than ~~[$650;]~~ *$1,200; or*

(b) ~~[Is guilty of a gross misdemeanor if the amount is $650 or more but less than $1,000; or~~

~~— (c)]~~ Is guilty of a category D felony if the amount is ~~[$1,000]~~ *$1,200* or more and shall be punished as provided in NRS 193.130.

Sec. 85.5. NRS 205.980 is hereby amended to read as follows:

205.980 1. A person who is convicted of violating any provision of NRS 205.060 or 205.2175 to ~~[205.2707,]~~ *205.2705,* inclusive, is civilly liable for the value of any property stolen and not recovered in its original condition. The value of the property must be determined by its retail value or fair market value at the time the crime was committed, whichever is greater.

2. A person who is convicted of any other crime involving damage to property is civilly liable for the amount of damage done to the property.

3. The prosecutor shall notify the victim concerning the disposition of the criminal charges against the defendant within 30 days after the disposition. The notice must be sent to the last known address of the victim.

4. An order of restitution signed by the judge in whose court the conviction was entered shall be deemed a judgment against the defendant for the purpose of collecting damages.

5. Nothing in this section prohibits a victim from recovering additional damages from the defendant.

Sec. 86. NRS 207.010 is hereby amended to read as follows:

207.010 1. Unless the person is prosecuted pursuant to NRS 207.012 or 207.014, a person convicted in this State of:

(a) Any felony, who has previously been ~~[two]~~ *five* times convicted, whether in this State or elsewhere, of any crime which under the laws of the situs of the crime or of this State would amount to a felony is a habitual criminal and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years.

(b) Any felony, who has previously been ~~[three]~~ *seven* times convicted, whether in this State or elsewhere, of any crime which under the laws of the situs of the crime or of this State would amount to a felony is a habitual criminal and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. ~~*[A]*~~ *Except as otherwise provided in this subsection, a previous or current conviction under paragraph (a), (b) or (c) of subsection 2 of NRS 453.336 or NRS 453.411 must not be used as the basis for a conviction pursuant to this section. If a person is convicted of violating NRS 453.336 by possessing any amount of flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, his or her conviction may be used as the basis for a conviction pursuant to this section.*

3. It is within the discretion of the prosecuting attorney whether to include a count under this section in any information or file a notice of habitual criminality if an indictment is found. The trial judge may, at his or her discretion, dismiss a count under this section which is included in any indictment or information.

Sec. 87. NRS 207.012 is hereby amended to read as follows:

207.012 1. A person who:

(a) Has been convicted in this State of a felony listed in subsection 2; and

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this State would be a felony listed in subsection 2, whether the prior convictions occurred in this State or elsewhere,

➥ is a habitual felon and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. The district attorney shall include a count under this section in any information or shall file a notice of habitual felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160, 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, subsection 1, paragraph (a) of

subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, paragraph (b) of subsection 1 or subsection 2 of NRS 202.830, NRS 205.010, subsection ~~[4]~~ *5* of NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.3325, 453.333, 484C.130, 484C.430 or 484E.010.

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

Sec. 88. NRS 207.203 is hereby amended to read as follows:

207.203 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who commits a violation of NRS 207.200 by trespassing on the premises of a licensed gaming establishment and who has previously been convicted of three violations of NRS 201.354 within the immediately preceding 5 years is guilty of a misdemeanor and shall be punished by:

(a) A fine of $1,000;

(b) Imprisonment in the county jail for not more than 6 months; or

(c) Both fine and imprisonment.

➥ In lieu of all or a part of the punishment which may be imposed pursuant to this subsection, the person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.

2. The court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of ~~[a]~~ *:*

(a) A counseling or educational program *;* or ~~[, in]~~

(b) In the case of a person dependent upon drugs, ~~[of]~~ a program of treatment and rehabilitation pursuant to ~~[NRS 453.580.]~~ *section 20 of this act if the court determines that the person is eligible for participation in such a program.*

3. Upon violation of a term or condition, the court may enter a judgment of conviction and punish the person as provided in subsection 1.

4. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her.

5. Except as otherwise provided in subsection 6, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that

arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may only occur once with respect to any person.

6. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

7. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is assigned and the cost of any additional supervision required, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

8. As used in this section, "licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

Sec. 88.5. 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,]~~ *453.339*, 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, 201.320 or 201.360;

32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

33. Any violation of NRS 205.506, 205.920 or 205.930;

34. Any violation of NRS 202.445 or 202.446;

35. Any violation of NRS 205.377;

36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or

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

Sec. 89. NRS 209.1315 is hereby amended to read as follows:

209.1315 The Director may continue to develop and implement, in each institution and facility of the Department, a program of facility training for the correctional staff. *Such training must include:*

1. Training in evidence-based practices, including, without limitation, principles of effective intervention, effective case management and core correctional practices; and

2. Courses on interacting with victims of domestic violence and trauma and people with behavioral health needs and both physical and intellectual disabilities.

Sec. 90. NRS 209.341 is hereby amended to read as follows:

209.341 *1.* The Director shall:

~~[1.]~~ *(a)* Establish, with the approval of the Board, a system of initial classification and evaluation for offenders who are sentenced to imprisonment in the state prison . ~~[; and~~

~~2.~~ *(b)* Assign every person who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the Department. The assignment must be based on an evaluation of the offender's records, particular needs and requirements for custody.

(c) Administer a risk and needs assessment to each offender for the purpose of guiding institutional programming and placement. The Department may consider the responsivity factors of an offender when making decisions concerning such programming and placement.

2. Any risk and needs assessment used by the Department pursuant to this section must undergo a validation study not less than once every 3 years. The Department shall establish quality assurance procedures to ensure proper and consistent scoring of any risk and needs assessment used pursuant to this section.

3. As used in this section:

(a) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(b) "Risk and needs assessment" has the meaning ascribed to it in NRS 213.107.

Sec. 91. NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection 6, the Director may *approve a medical release and* assign an offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement pursuant to NRS 213.380 or other appropriate supervision as determined by the Division of Parole and Probation, for not longer than the remainder of his or her sentence, if:

(a) The Director has reason to believe that the offender is:

(1) Physically incapacitated or in ill health to such a degree that the offender does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within ~~[12]~~ *18* months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians *or nurses* licensed pursuant to chapter 630 , *632* or 633 of NRS, *as applicable*, one of whom is not employed by the Department, verify, in writing, that the offender is:

(1) Physically incapacitated or in ill health; or

(2) In ill health and expected to die within ~~[12]~~ *18* months.

2. *A request for medical release pursuant to this section:*

(a) May be submitted to the Director by:

(1) A prison official or employee;

(2) An offender;

(3) An attorney or representative of an offender;

(4) A family member of an offender; or

(5) A medical or mental health professional.

(b) Must be in writing and articulate the grounds supporting the appropriateness of the medical release of the offender.

3. If the Director intends to assign an offender to the custody of the Division of Parole and Probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the Department, the Director shall notify:

(a) The board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

~~[3.]~~ *4.* Except as otherwise provided in NRS 213.10915, if any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➥ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

~~[4.]~~ *5.* If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

~~[5.]~~ *6.* The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➥ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.

~~[6.]~~ *7.* The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

~~[7.]~~ *8.* An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

~~[8.]~~ *9.* The Division of Parole and Probation may receive and distribute restitution paid by an offender assigned to the custody of the Division of Parole and Probation pursuant to this section.

Sec. 92. NRS 209.511 is hereby amended to read as follows:

209.511 1. Before an offender is released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may provide mediation services to the offender and the family members and friends of the offender who provide emotional, psychological and financial support to the offender.

2. Not later than 3 months before an offender is projected to be released from prison by expiration of his or her term of sentence, by pardon or parole, the Director may, if space is available, provide an eligible offender with one or more evidence-based or promising practice reentry programs to obtain employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person.

3. ~~[Except as otherwise provided in subsection 4, when]~~ *When* an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; ~~[or]~~

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles; *or*

(3) Is not currently in possession of a photo identification card;

(f) ~~[May]~~ *Shall* provide the offender with clothing suitable for reentering society;

(g) ~~[May]~~ *Shall* provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(h) ~~[May, but is not required to,]~~ *If appropriate, shall* release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; ~~[and]~~

(i) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus ~~[.]~~ *;*

(j) If the offender is eligible for Medicaid or Medicare, shall complete enrollment application paperwork for the offender; and

(k) If the offender was receiving a prescribed medication while in custody, shall ensure that the offender is provided with a 30-day supply of any such prescribed medication.

4. The Director shall not provide an offender with a photo identification card pursuant to paragraph (e) of subsection 3 unless *the photo identification card clearly indicates whether* the Director ~~[has]~~ *:*

(a) Has verified the full legal name and age of the offender by obtaining an original or certified copy of the documents required by the Department of Motor Vehicles pursuant to NRS 483.290 or 483.860, as applicable, furnished as proof of the full legal name and age of an applicant for a driver's license or identification card ~~[.]~~ *; or*

(b) Has not verified the full legal name and age of the offender pursuant to paragraph (a).

5. The costs authorized *or required* in paragraphs (a), (e), (f), (g) , ~~[and]~~ (i) *and (k)* of subsection 3 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

6. The Director is encouraged to work with the Nevada Community Re-Entry Task Force established by the Governor pursuant to executive order, or its successor body, if any, to align statewide strategies for the reentry of offenders into the community and the implementation of those strategies.

7. As used in this section:

(a) "Eligible offender" means an offender who is:

(1) Determined to be eligible for reentry programming based on the Nevada Risk Assessment Services instrument, or its successor risk assessment tool; and

(2) Enrolled in:

(I) Programming services under a reentry program at a correctional facility which has staff designated to provide the services; or

(II) A community-based program to assist offenders to reenter the community.

(b) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(c) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

(d) "Promising practice reentry program" means a reentry program that has strong quantitative and qualitative data showing positive outcomes, but does not have sufficient research or replication to support recognition as an evidence-based practice.

Sec. 93. Chapter 213 of NRS is hereby amended by adding thereto the provisions set forth as sections 93.3 and 93.7 of this act.

Sec. 93.3. *1. Notwithstanding any other provision of law, the Board may grant geriatric parole to a prisoner if he or she:*

(a) Has not been convicted of:

(1) A crime of violence;

(2) A crime against a child as defined in NRS 179D.0357;

(3) A sexual offense as defined in NRS 179D.097;

(4) Vehicular homicide pursuant to NRS 484C.130; or

(5) A violation of NRS 484C.430;

(b) Has not been found to be a habitual criminal pursuant to NRS 207.010;

(c) Is not serving a sentence of life imprisonment without the possibility of parole and has not been sentenced to death;

~~*[(c)]*~~ *(d) Does not pose a significant and articulable risk to public safety; and*

~~*[(d)]*~~ *(e) Is 65 years of age or older and has served* ~~*[8 consecutive years in the custody of the Department, including any credit earned for time served in a county jail as ordered by the court, or]*~~ *at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence . [, whichever occurs earlier.]*

2. Consideration for geriatric parole may be initiated by the submission of a written application and supporting documentation to the Board, including, without limitation, relevant medical records, plans for parole, program participation records, institutional records, documents concerning eligibility for Medicaid or Medicare and any other relevant documents, from:

(a) A prison official or employee;

(b) A prisoner;

(c) An attorney or representative of a prisoner;

(d) A family member of a prisoner; or

(e) A medical or mental health professional.

3. Not later than 15 days after receipt of an application submitted pursuant to subsection 2, the Board shall notify the Department of the application and request verification of the prisoner's age and the length of time the prisoner has spent in the custody of the Department.

4. Upon receipt of a request from the Board submitted pursuant to subsection 3, if the Department determines that the prisoner:

(a) Meets the criteria set forth in subsection 1, the Department shall:

(1) Notify the Board of the prisoner's eligibility for consideration of geriatric parole;

(2) Place the prisoner on the next available list of persons eligible for parole pursuant to NRS 209.254; and

(3) Provide to the Board a report prepared in accordance with paragraph (c) of subsection 1 of NRS 213.131.

(b) Does not meet the criteria set forth in subsection 1, the Department shall notify the Board and explain the reasons for such a determination.

5. Upon receipt of the list prepared pursuant to NRS 209.254, the Board shall, after sending copies of the list to all law enforcement agencies in this State and other appropriate persons in accordance with subsection 5 of NRS 213.1085, schedule a hearing to consider the geriatric parole of an eligible prisoner whose name appears on the list.

6. Except as otherwise provided in subsection 7, the Board shall schedule and conduct the geriatric parole hearing of a prisoner in the same general manner in which other prisoners are considered for parole. The Board shall notify the prisoner and the person submitting the application pursuant to subsection 2 of the date, time and location of the geriatric parole hearing.

7. When determining whether to grant geriatric parole to a prisoner, the Board must consider:

(a) The prisoner's:

(1) Age;

(2) Behavior while in custody; and

(3) Potential for violence;

(b) The reported severity of any illness, disease or infirmity of the prisoner; and

(c) Any available alternatives for maintaining geriatric inmates or inmates who have a medical condition in traditional settings.

8. The Board shall notify a prisoner of the Board's decision as to whether to grant geriatric parole in accordance with subsection 11 of NRS 213.131.

9. At the time of the release of a prisoner on geriatric parole, the Board shall prescribe the terms and conditions of the geriatric parole.

10. A person who is granted geriatric parole pursuant to this section is under the supervision of the Division. The Division is responsible for supervising the person's compliance with the terms and conditions prescribed by the Board.

11. Except as otherwise provided in this subsection, the Board shall not take any action on an application submitted pursuant to subsection 2 if the prisoner to whom the application pertains was previously denied geriatric parole and less than 24 months have elapsed since the most recent denial. The Board may take action on such an application if a shorter period has been prescribed by the Board or a request is made by the Director of the Department because of the adverse health of the prisoner.

12. The provisions of this section are not intended to replace the provisions relating to the general eligibility and consideration of parole provided in NRS 213.1099 and 213.1215.

13. The Board shall adopt any regulations necessary to carry out the provisions of this section.

14. As used in this section, "Department" means the Department of Corrections.

Sec. 93.7. *1. Notwithstanding any other provision of law, and except as otherwise provided in subsection 3, the Division shall recommend the early discharge of a person from parole to the Board if a parolee:*

(a) Has served at least 12 calendar months on parole supervision in the community and is projected to have not more than 12 calendar months of community supervision remaining to serve on any sentence;

(b) Has not violated any condition of parole during the immediately preceding 12 months;

(c) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;

(d) Has paid restitution in full or, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court; and

(e) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the Board.

2. The Board may award credits in an amount equal to the time remaining on any sentence to reduce the sentence to time served.

3. The provisions of this section do not apply to any person who is sentenced to lifetime supervision pursuant to NRS 176.0931.

4. The Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 94. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and sections 93.3 and 93.7 of this act,* unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. *"Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.*

6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

7. "Sex offender" means any person who has been or is convicted of a sexual offense.

~~[6.]~~ *8.* "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

~~[7.]~~ *9.* "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 95. NRS 213.1078 is hereby amended to read as follows:

213.1078 1. Except as otherwise provided in ~~[subsection 2,]~~ *subsections 3 and 5,* the Division shall *administer a risk and needs assessment to each probationer and parolee under the Division's supervision. The results of the risk and needs assessment must be used to* set a level of supervision for each probationer ~~[. At]~~ *and parolee and to develop individualized case plans pursuant to subsection 6. The risk and needs assessment must be administered and scored by a person trained in the administration of the tool.*

2. Except as otherwise provided in subsection 3, ~~[least once every 6 months,]~~ *on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool,* or more often if necessary, the Division shall ~~[review the probationer's level of supervision]~~ *administer a subsequent risk and needs assessment to each probationer. The results of the risk and needs assessment conducted in accordance with this section must be used* to determine whether a change in the level of supervision is necessary. The Division shall ~~[specify in each review]~~ *document* the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the probationer of the change.

~~[2.]~~ *3.* The provisions of ~~[subsection]~~ *subsections* 1 *and 2* are not applicable if:

(a) The level of supervision for the probationer is set by the court or by law; or

(b) The probationer is ordered to participate in a program of probation secured by a security bond pursuant to NRS 176A.300 to 176A.370, inclusive.

~~[3.]~~ *4.* Except as otherwise provided in subsection ~~[4,]~~ *5,* ~~[at least once every 6 months,]~~ *on a schedule determined by the Nevada Risk Assessment System, or its successor risk assessment tool,* or more often if necessary, the Division shall ~~[review a parolee's level of supervision]~~ *administer a subsequent risk and needs assessment to each parolee. The results of the risk and needs assessment conducted in accordance with this subsection must be used* to determine whether a change in the level of

supervision is necessary. The Division shall ~~[specify in each review]~~ *document* the reasons for maintaining or changing the level of supervision. If the Division changes the level of supervision, the Division shall notify the parolee of the change.

~~[4.]~~ *5.* The provisions of ~~[subsection 3]~~ *subsections 1 and 4* are not applicable if the level of supervision for the parolee is set by the Board or by law.

6. The Division shall develop an individualized case plan for each probationer and parolee. The case plan must include a plan for addressing the criminogenic risk factors identified on the risk and needs assessment, if applicable, and the list of responsivity factors that will need to be considered and addressed for each probationer or parolee.

7. Upon a finding that a term or condition of probation ordered pursuant to subsection 1 of NRS 176A.400 or the level of supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 2, the supervising officer shall seek a modification of the terms and conditions from the court pursuant to subsection 1 of NRS 176A.450.

8. Upon a finding that a condition of parole or the level of parole supervision set pursuant to this section does not align with the results of a risk and needs assessment administered pursuant to subsection 1 or 4, the supervising officer shall submit a request to the Board to modify the condition or level of supervision set by the Board. The Division shall provide written notification to the parolee of any modification.

9. The risk and needs assessment required under this section must undergo periodic validation studies in accordance with the timeline established by the developer of the assessment. The Division shall establish quality assurance procedures to ensure proper and consistent scoring of the risk and needs assessment.

Sec. 96. NRS 213.1095 is hereby amended to read as follows:

213.1095 The Chief Parole and Probation Officer:

1. Is responsible for and shall supervise the fiscal affairs and responsibilities of the Division.

2. May establish, consolidate and abolish sections within the Division.

3. May establish, consolidate and abolish districts within the State to which assistant parole and probation officers are assigned.

4. Shall appoint the necessary supervisory personnel and other assistants and employees as may be necessary for the efficient discharge of the responsibilities of the Division.

5. Is responsible for such reports of investigation and supervision and other reports as may be requested by the Board or courts.

6. Shall direct the work of all assistants and employees assigned to him or her.

7. Shall formulate methods of investigation, supervision, recordkeeping and reporting.

8. Shall develop policies of parole and probation after considering other acceptable and recognized correctional programs and conduct training courses for the staff. *Such training courses must include:*

(a) Training in evidence-based practices, including, without limitation, principles of effective intervention, effective case management and effective practices in community supervision settings; and

(b) Courses on interacting with victims of domestic violence and trauma and people with behavioral health needs and both physical and intellectual disabilities.

9. Shall furnish to each person released under his or her supervision a written statement of the conditions of parole or probation, instruct any parolee or probationer regarding those conditions, and advise the Board or the court of any violation of the conditions of parole and probation.

10. At the close of each biennium, shall submit to the Governor and the Board a report, with statistical and other data, of his or her work.

Sec. 97. NRS 213.1215 is hereby amended to read as follows:

213.1215 1. Except as otherwise provided in this section and in cases where a consecutive sentence is still to be served, if a prisoner sentenced to imprisonment for a term of 3 years or more:

(a) Has not been released on parole previously for that sentence; and

(b) Is not otherwise ineligible for parole,

➥ the prisoner must be released on parole 12 months before the end of his or her maximum term or maximum aggregate term, as applicable, as reduced by any credits the prisoner has earned to reduce his or her sentence pursuant to chapter 209 of NRS.

2. Except as otherwise provided in this section, a prisoner who was sentenced to life imprisonment with the possibility of parole and who was less than 16 years of age at the time that the prisoner committed the offense for which the prisoner was imprisoned must, if the prisoner still has a consecutive sentence to be served, be granted parole from his or her current term of imprisonment to his or her subsequent term of imprisonment or must, if the prisoner does not still have a consecutive sentence to be served, be released on parole, if:

(a) The prisoner has served the minimum term or the minimum aggregate term of imprisonment imposed by the court, as applicable;

(b) The prisoner has completed a program of general education or an industrial or vocational training program;

(c) The prisoner has not been identified as a member of a group that poses a security threat pursuant to the procedures for identifying security threats established by the Department of Corrections; and

(d) The prisoner has not, within the immediately preceding 24 months:

(1) Committed a major violation of the regulations of the Department of Corrections; or

(2) Been housed in disciplinary segregation.

3. If a prisoner who meets the criteria set forth in subsection 2 is determined to be a high risk to reoffend in a sexual manner pursuant to NRS 213.1214, the Board is not required to release the prisoner on parole pursuant to this section. If the prisoner is not granted parole, a rehearing date must be scheduled pursuant to NRS 213.142.

4. The Board shall prescribe any conditions necessary for the orderly conduct of the parolee upon his or her release.

5. Each parolee so released must be supervised closely by the Division, in accordance with the plan for supervision developed by the Chief pursuant to NRS 213.122.

6. *If a prisoner meets the criteria set forth in subsection 1 and there are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 or, if the Board is not required to provide notification of hearings pursuant to NRS 213.10915, the Board has not been notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings, the Board may grant parole to the prisoner without a meeting.* If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 1 will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his or her sentence and not grant the parole. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 1, the Board shall provide to the prisoner a written statement of its reasons for denying parole.

7. If the Board finds that there is a reasonable probability that a prisoner considered for release on parole pursuant to subsection 2 will be a danger to public safety while on parole, the Board is not required to grant the parole and shall schedule a rehearing pursuant to NRS 213.142. Except as otherwise provided in subsection 3 of NRS 213.1519, if a prisoner is not granted parole pursuant to this subsection, the criteria set forth in subsection 2 must be applied at each subsequent hearing until the prisoner is granted parole or expires his or her sentence. If, pursuant to this subsection, the Board does not grant the parole provided for in subsection 2, the Board shall provide to the prisoner a written statement of its reasons for denying parole, along with specific recommendations of the Board, if any, to improve the possibility of granting parole the next time the prisoner may be considered for parole.

8. If the prisoner is the subject of a lawful request from another law enforcement agency that the prisoner be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

9. If the Division has not completed its establishment of a program for the prisoner's activities during his or her parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

10. For the purposes of this section, the determination of the 12-month period before the end of a prisoner's term must be calculated without

consideration of any credits the prisoner may have earned to reduce his or her sentence had the prisoner not been paroled.

Sec. 98. NRS 213.131 is hereby amended to read as follows:

213.131 1. The Department of Corrections shall:

(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;

(b) Notify the Board of the eligibility of the prisoner to be considered for parole; and

(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.

2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings are quasi-judicial and must be open to the public. No rights other than those conferred pursuant to this section or pursuant to specific statute concerning meetings to consider prisoners for parole are available to any person with respect to such meetings.

4. Except as otherwise provided in NRS 213.10915, not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of the victim's rights pursuant to this subsection, if the victim has requested notification in writing and has provided his or her current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his or her rights pursuant to this subsection and the victim is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.

6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the State Board of Parole Commissioners.

7. Except as otherwise provided in NRS 213.10915, if a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

9. The Board may grant parole without a meeting, pursuant to NRS *213.1215 or* 213.133, but the Board must not deny parole to a prisoner unless the prisoner has been given reasonable notice of the meeting and the opportunity to be present at the meeting. If the Board fails to provide notice of the meeting to the prisoner or to provide the prisoner with an opportunity to be present and determines that it may deny parole, the Board may reschedule the meeting.

10. During a meeting to consider a prisoner for parole, the Board shall allow the prisoner:

(a) At his or her own expense, to have a representative present with whom the prisoner may confer; and

(b) To speak on his or her own behalf or to have his or her representative speak on his or her behalf.

11. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any.

12. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 99. NRS 213.133 is hereby amended to read as follows:

213.133 1. Except as otherwise provided in subsections 6, 7 and 8, the Board may delegate its authority to hear, consider and act upon the parole of a prisoner and on any issue before the Board to a panel consisting of:

(a) Two or more members of the Board, two of whom constitute a quorum; or

(b) One member of the Board who is assisted by a case hearing representative.

2. No action taken by any panel created pursuant to paragraph (a) of subsection 1 is valid unless concurred in by a majority vote of those sitting on the panel.

3. The decision of a panel is subject to final approval by the affirmative action of a majority of the members appointed to the Board. Such action may

be taken at a meeting of the Board or without a meeting by the delivery of written approval to the Executive Secretary of the Board.

4. The degree of complexity of issues presented must be taken into account before the Board makes any delegation of its authority and before it determines the extent of a delegation.

5. The Board shall adopt regulations which establish the basic types of delegable cases and the size of the panel required for each type of case.

6. A hearing concerning the parole of a prisoner or any decision on an issue involving a person:

(a) Who committed a capital offense;

(b) Who is serving a sentence of imprisonment for life;

(c) Who has been convicted of a sexual offense involving the use or threat of use of force or violence;

(d) Who is a habitual criminal; or

(e) Whose sentence has been commuted by the State Board of Pardons Commissioners,

➥ must be conducted by at least three members of the Board, and action may be taken only with the concurrence of at least four members.

7. If a recommendation made by a panel deviates from the standards adopted by the Board pursuant to NRS 213.10885 or the recommendation of the Division, the Chair must concur in the recommendation.

8. ~~[A]~~ *In accordance with any regulations adopted by the Board, a* member of the Board or a person who has been designated as a case hearing representative in accordance with NRS 213.135 ~~[may]~~ *shall review the parole eligibility of a prisoner and* recommend to the Board that a prisoner be released on parole without a meeting if:

(a) The prisoner is not serving a sentence for a crime described in subsection 6;

(b) The parole standards created pursuant to NRS 213.10885 suggest that parole should be granted;

(c) There are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 or, if the Board is not required to provide notification of hearings pursuant to NRS 213.10915, the Board has not been notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings; and

(d) Notice to law enforcement of the eligibility for parole of the prisoner was given pursuant to subsection 5 of NRS 213.1085, and no person objected to granting parole without a meeting during the 30-day notice period.

9. *If a member of the Board or a person who has been designated as a case hearing representative in accordance with NRS 213.135 does not recommend that a prisoner be released on parole without a meeting pursuant to subsection 8, the prisoner must have a parole hearing.*

10. A recommendation made in accordance with subsection 8 is subject to final approval by the affirmative action of a majority of the members appointed

to the Board. The final approval by affirmative action must not take place until the expiration of the 30-day notice period to law enforcement of the eligibility for parole of the prisoner in accordance with subsection 5 of NRS 213.1085. Such action may be taken at a meeting of the Board or without a meeting of the Board by delivery of written approval to the Executive Secretary of the Board by a majority of the members.

Sec. 100. NRS 213.140 is hereby amended to read as follows:

213.140 1. When a prisoner becomes eligible for parole pursuant to this chapter or the regulations adopted pursuant to this chapter, the Board shall consider and may authorize the release of the prisoner on parole as provided in this chapter. The Board may authorize the release of a prisoner on parole whether or not parole is accepted by the prisoner.

2. *Not later than 6 months before the date a prisoner becomes eligible for parole, the Department of Corrections and the prisoner shall develop a reentry plan for the prisoner that takes into consideration the needs, limitations and capabilities of the prisoner. The Division shall review the reentry plan and verify the information contained therein and shall coordinate with any other state agencies for available services regarding housing or treatment. Before the prisoner's parole eligibility date, the Department of Corrections shall provide a copy of the reentry plan to the prisoner. A reentry plan developed pursuant to this subsection must include, without limitation, information relating to:*

(a) The proposed residence of the prisoner;

(b) The prisoner's employment or means of financial support;

(c) Any treatment and counseling options available to the prisoner, including, without limitation, any clinical assessments relating to the behavioral health needs of the prisoner;

(d) Any job or education services available to the prisoner; and

(e) Eligibility and enrollment for Medicaid and Medicare.

3. If the release of a prisoner on parole is authorized by the Board, the Division shall:

(a) Review and, if appropriate, approve each prisoner's proposed *reentry* plan ~~[for placement upon release;]~~ *developed pursuant to subsection 2;* or

(b) If the prisoner's *proposed reentry* plan is not approved by the Division, assist the prisoner to develop a plan for his or her placement upon release,

➥ before the prisoner is released on parole. The prisoner's proposed *reentry* plan must identify the county in which the prisoner will reside if the prisoner will be paroled in Nevada.

~~[3.]~~ *4.* If a prisoner is indigent and the prisoner's proposed *reentry* plan ~~[for placement upon release]~~ indicates that the prisoner will reside in transitional housing upon release, the Division may, within the limits of available resources, pay for all or a portion of the cost of the transitional housing for the prisoner based upon the prisoner's economic need, as determined by the Division. The Division shall make such payment directly to the provider of the transitional housing.

~~[4.]~~ *5.* The Board may adopt any regulations necessary or convenient to carry out this section.

Sec. 101. NRS 213.1519 is hereby amended to read as follows:

213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee whose parole is revoked by decision of the Board for *the commission of* a ~~[violation of any rule or regulation governing his or her conduct:]~~ *new felony* ~~[,]~~ *or gross misdemeanor, battery which constitutes domestic violence pursuant to NRS 200.485,* ~~[or]~~ *violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor or violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised or for absconding:*

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS; and

(b) Must serve such part of the unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board with rehearing dates scheduled pursuant to NRS 213.142.

➥ The Board may restore any credits forfeited under this subsection.

2. A parolee released on parole pursuant to subsection 1 of NRS 213.1215 whose parole is revoked for having been convicted of a new felony:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve the entire unexpired maximum term or the maximum aggregate term, as applicable, of his or her original sentence; and

(c) May not again be released on parole during his or her term of imprisonment.

3. A parolee released on parole pursuant to subsection 2 of NRS 213.1215 whose parole is revoked by decision of the Board for a violation of any rule or regulation governing his or her conduct:

(a) Forfeits all credits for good behavior previously earned to reduce his or her sentence pursuant to chapter 209 of NRS;

(b) Must serve such part of the unexpired maximum term or maximum aggregate term, as applicable, of his or her original sentence as may be determined by the Board; and

(c) Must not be considered again for release on parole pursuant to subsection 2 of NRS 213.1215 but may be considered for release on parole pursuant to NRS 213.1099, with rehearing dates scheduled pursuant to NRS 213.142.

➥ The Board may restore any credits forfeited under this subsection.

4. If the Board finds that the parolee committed one or more technical violations of the conditions of parole, the Board may:

(a) Continue parole supervision;

(b) Temporarily revoke parole supervision and impose a term of imprisonment of not more than:

(1) Thirty days for the first temporary parole revocation;

(2) ~~[Sixty]~~ Ninety days for the second temporary parole revocation; or

(3) ~~[Ninety]~~ One hundred and eighty days for the third temporary parole revocation; or

(c) Fully revoke parole supervision and impose the remainder of the sentence for a fourth or subsequent revocation.

5. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a ~~[new]~~ :

(1) New felony ~~[,]~~ or gross misdemeanor ~~[, battery]~~ ;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485 ~~[or violation]~~ ;

(3) Violation of NRS 484C.110 or 484C.120 ~~[and does not constitute absconding.]~~ ;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor; or

(5) Violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised.

➥ *The term does not include termination from a specialty court program.*

Sec. 102. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means ~~[:]~~ *a person who suffers direct or threatened physical, financial or psychological harm as a result of the commission of a crime, including, without limitation:*

(a) A person who is physically injured or killed as the direct result of a criminal act;

(b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

(c) A minor who was sexually abused, as "sexual abuse" is defined in NRS 432B.100;

(d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

(e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

(f) An older person *or a vulnerable person* who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

(g) A person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); ~~[or]~~

(h) A person who is trafficked in violation of subsection 2 of NRS 201.300 ~~[.]~~ *; or*

(i) A person who is an immediate family member of a victim who:

(1) Is a minor;

(2) Is physically or mentally incompetent; or

(3) Was killed.

2. The term includes any person who was harmed by an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 102.5. (Deleted by amendment.)

Sec. 103. Chapter 289 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 and 105 of this act.

Sec. 104. *1. The Commission shall, subject to the availability of funds appropriated for such a purpose, develop and implement a behavioral health field response grant program for the purpose of allowing law enforcement and behavioral health professionals to safely respond to crises, including, without limitation, by telephone or video, involving persons with behavioral health issues. The Commission may use a portion of the appropriated funds to develop data management capability to support the program.*

2. A local law enforcement agency may submit a grant application to the Commission that contains the agency's proposal to develop its behavioral health field response by incorporating behavioral health professionals into its behavioral health field response planning, or two or more local law enforcement agencies may submit a joint grant application that contains their joint proposal. Any proposal submitted by a law enforcement agency must provide a plan for improving behavioral health field response and diversion from incarceration through modifying or expanding law enforcement practices in partnership with behavioral health professionals. The Commission may prioritize grant applications that include total matching funds.

3. The Commission shall appoint a peer review panel to review, in consultation with behavioral health organizations and the Department of Health and Human Services the grant applications submitted by local law enforcement agencies and select the grant recipients. To the extent possible, at least one grant recipient must be from a rural county. To avoid any conflict of interest, any law enforcement agency that is included in a proposal shall recuse itself from voting on the peer review panel.

4. If the Commission certifies that the grant application of a selected recipient satisfies the proposal criteria, the Commission shall distribute grant funds to the selected recipient. The Commission shall make every effort to fund at least three grants each fiscal year. Grant recipients must be selected and receive grant funds not later than October 1 of each year the behavioral health field response grant program is funded.

5. A grant recipient must provide for at least one behavioral health professional who will perform professional services under its plan. Such a behavioral health professional may assist patrolling officers in the field or in an on-call capacity, provide preventive, follow-up training on behavioral health field response best practices or provide other services at the direction

of the grant recipient. A grant recipient may coordinate with local public safety answering points to maximize the goals of its plan.

6. Using existing resources, the Commission shall:

(a) Consult with the staff of the Office of Analytics of the Department of Health and Human Services to establish data collection and reporting guidelines for grant recipients for the purpose of studying and evaluating whether the use of behavioral health field response programs improves the outcomes of interactions with persons experiencing behavioral health crises, including, without limitation, by reducing rates of violence, arrests and jail or emergency room usage.

(b) Consult with the Department of Health and Human Services to develop requirements for participating behavioral health professionals.

(c) Coordinate with the Department of Health and Human Services, the Division of Public and Behavioral Health of the Department of Health and Human Services and public safety answering points to develop and incorporate telephone or dispatch protocols to assist with behavioral health, law enforcement and emergency medical responses involving behavioral health situations.

7. On or before December 1 of each year the behavioral health field response grant program is funded, the Commission shall submit to the Governor, the Chair of the Senate Standing Committee on Judiciary and the Chair of the Assembly Standing Committee on Judiciary a report concerning the program which must include, without limitation:

(a) Information on and feedback from grant recipients; and

(b) Information on the use of grant funds and the participation of behavioral health professionals.

8. A grant recipient shall develop and provide or arrange joint training necessary for both law enforcement and behavioral health professionals to operate successfully and competently in partnership with law enforcement agencies. The training must provide such professionals with working knowledge of law enforcement procedures and tools sufficient to provide for the safety of such professionals.

9. Nothing in this section prohibits the Commission from soliciting or accepting private funds to support the behavioral health field response grant program.

Sec. 105. *1. Each law enforcement agency in this State shall:*

(a) Establish a policy and procedure for interacting with persons who suffer from a behavioral health issue, including, without limitation, a mental illness as defined in NRS 176A.045, an acute mental health crisis, a developmental disability or an intellectual disability as those terms are defined in NRS 435.007 or a substance use disorder; and

(b) Subject to the availability of funds appropriated for such a purpose, contract with or employ a behavioral health specialist.

2. As used in this section, "behavioral health specialist" means a physician who is certified by the Board of Medical Examiners, a psychologist, a

physician assistant or an advanced practice registered nurse who is certified to practice as a behavioral health specialist, or a person who is licensed as a clinical social worker, clinical professional counselor or marriage and family therapist.

Sec. 106. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.650, inclusive, *and sections 104 and 105 of this act*, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 107. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(2) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance;

(3) Qualifications for instructors of peace officers; and

(4) Requirements for the certification of a course of training.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.650, inclusive ~~[.]~~ *, and sections 104 and 105 of this act.*

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to

treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons; and

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 108. NRS 289.650 is hereby amended to read as follows:

289.650 1. The Commission shall:

(a) Establish by regulation the minimum standards of a voluntary program for the training of law enforcement dispatchers. *Such standards must include training relating to behavioral health crisis intervention as described in NRS 289.510.*

(b) Certify qualified instructors for approved courses of training for law enforcement dispatchers and issue appropriate certificates to instructors who become certified.

(c) Issue appropriate certificates to law enforcement dispatchers who have satisfactorily completed the voluntary program.

2. As used in this section, "law enforcement dispatcher" means a person who is employed by a law enforcement agency or regional telecommunication center and who promotes public safety by:

(a) Receiving calls for service related to crimes, traffic incidents, public safety and any other related calls for assistance; and

(b) Providing immediate and critical communication between the public and law enforcement agencies.

Sec. 109. NRS 433.254 is hereby amended to read as follows:

433.254 1. The Administrator serves at the pleasure of the Director of the Department and shall:

(a) Serve as the Executive Officer of the Division;

(b) Administer the Division in accordance with the policies established by the Commission;

(c) Make an annual report to the Director of the Department on the condition and operation of the Division, and such other reports as the Director may prescribe; and

(d) Employ, within the limits of available money, the assistants and employees necessary to the efficient operation of the Division.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of the facilities of the Division.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

~~[4. The Administrator may accept persons referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive.]~~

Sec. 110. NRS 433B.130 is hereby amended to read as follows:

433B.130 1. The Administrator shall:

(a) Administer, in accordance with the policies established by the Commission, the programs of the Division for the mental health of children.

(b) Establish appropriate policies to ensure that children in division facilities have timely access to clinically appropriate psychotropic medication that are consistent with the provisions of NRS 432B.197 and NRS 432B.4681 to 432B.469, inclusive, and the policies adopted pursuant thereto.

2. The Administrator may:

(a) Appoint the administrative personnel necessary to operate the programs of the Division for the mental health of children.

(b) Delegate to the administrative officers the power to appoint medical, technical, clerical and operational staff necessary for the operation of any division facilities.

3. If the Administrator finds that it is necessary or desirable that any employee reside at a facility operated by the Division or receive meals at such a facility, perquisites granted or charges for services rendered to that person are at the discretion of the Director of the Department.

4. ~~[The Administrator may accept children referred to the Division for treatment pursuant to the provisions of NRS 458.290 to 458.350, inclusive. — 5.]~~ The Administrator may enter into agreements with the Administrator of the Division of Public and Behavioral Health of the Department or with the Administrator of the Aging and Disability Services Division of the Department for the care and treatment of consumers of the Division of Child and Family Services at any facility operated by the Division of Public and Behavioral Health or the Aging and Disability Services Division, as applicable.

Sec. 110.5. NRS 439.258 is hereby amended to read as follows:

439.258 1. The Division shall evaluate, certify and monitor programs for the treatment of persons who commit domestic violence in accordance with the regulations adopted pursuant to subsection 2.

2. The Division shall adopt regulations governing the evaluation, certification and monitoring of programs for the treatment of persons who commit domestic violence.

3. The regulations adopted pursuant to subsection 2 must include, without limitation, provisions ~~[allowing]~~ *:*

(a) Requiring that a program:

(1) Include a module specific to victim safety; and

(2) Be based on:

(I) Evidence-based practices; and

(II) The assessment of a program participant by a supervisor of treatment or provider of treatment; and

(b) Allowing a program that is located in another state to become certified in this State to provide treatment to persons who:

~~[(a)]~~ *(1)* Reside in this State; and

~~[(b)]~~ *(2)* Are ordered by a court in this State to participate in a program for the treatment of persons who commit domestic violence.

Sec. 111. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category ~~[B]~~ *C* felony and shall be punished ~~[by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000, except as otherwise provided in subsection 2.]~~ *as provided in NRS 193.130.*

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than ~~[2 years]~~ *1 year* and a maximum term of not more than ~~[10]~~ *6* years, and may be further punished by a fine of not more than ~~[$20,000. The court shall not grant probation to or suspend the sentence of a person convicted of violating this section if the person has been previously convicted under this section or of any other offense described in this subsection.]~~ *$10,000.*

3. This section does not apply to any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

Sec. 112. NRS 453.321 is hereby amended to read as follows:

453.321 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to:

(a) Import, transport, sell, exchange, barter, supply, prescribe, dispense, give away or administer a controlled or counterfeit substance;

(b) Manufacture or compound a counterfeit substance; or

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1 and the controlled substance is classified in schedule I or II, the person ~~[is guilty of a category B felony and]~~ shall be punished:

(a) For the first offense, ~~[by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and~~

~~may be further punished by a fine of not more than $20,000.]~~ *for a category C felony as provided in NRS 193.130.*

(b) For a second offense, or if, in the case of a first conviction under this subsection, the offender has previously been convicted of an offense under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, *for a category B felony* by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $20,000.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times under this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to an offense under this section, *for a category B felony* by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. ~~[The]~~ *Unless mitigating circumstances exist that warrant the granting of probation, the* court shall not grant probation to or suspend the sentence of a person convicted under subsection 2 and punishable pursuant to paragraph (b) or (c) of subsection 2.

4. Unless a greater penalty is provided in NRS 453.333 or 453.334, if a person violates subsection 1, and the controlled substance is classified in schedule III, IV or V, the person shall be punished:

(a) For the first offense, for a category ~~[C]~~ *D* felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this subsection, the offender has previously been convicted of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category ~~[B]~~ *C* felony ~~[by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $15,000.]~~ *as provided in NRS 193.130.*

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of violating this section or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a violation of this section, for a category B felony by imprisonment in the state prison for a minimum term of not less than ~~[3]~~ *2* years and a maximum term of not more than ~~[15]~~ *10* years, and may be further punished by a fine of not more than ~~[$20,000]~~ *$15,000* for each offense.

5. ~~[The]~~ *Unless mitigating circumstances exist that warrant the granting of probation, the* court shall not grant probation to or suspend the sentence of

a person convicted under subsection 4 and punishable pursuant to paragraph (b) or (c) of subsection 4.

Sec. 112.2. NRS 453.322 is hereby amended to read as follows:

453.322 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to knowingly or intentionally:

(a) Manufacture or compound a controlled substance other than marijuana.

(b) Possess, with the intent to manufacture or compound a controlled substance other than marijuana, or sell, exchange, barter, supply, prescribe, dispense or give away, with the intent that the chemical be used to manufacture or compound a controlled substance other than marijuana:

(1) Any chemical identified in subsection 4; or

(2) Any other chemical which is proven by expert testimony to be commonly used in manufacturing or compounding a controlled substance other than marijuana. The district attorney may present expert testimony to provide a prima facie case that any chemical, whether or not it is a chemical identified in subsection 4, is commonly used in manufacturing or compounding such a controlled substance.

➥ The provisions of this paragraph do not apply to a person who, without the intent to commit an unlawful act, possesses any chemical at a laboratory that is licensed to store the chemical.

(c) Offer or attempt to do any act set forth in paragraph (a) or (b).

2. Unless a greater penalty is provided in NRS 453.3385 , ~~[or 453.3395,]~~ a person who violates any provision of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000.

3. The court shall not grant probation to a person convicted pursuant to this section.

4. The following chemicals are identified for the purposes of subsection 1:

(a) Acetic anhydride.

(b) Acetone.

(c) N-Acetylanthranilic acid, its esters and its salts.

(d) Anthranilic acid, its esters and its salts.

(e) Benzaldehyde, its salts, isomers and salts of isomers.

(f) Benzyl chloride.

(g) Benzyl cyanide.

(h) 1,4-Butanediol.

(i) 2-Butanone (or methyl ethyl ketone or MEK).

(j) Ephedrine, its salts, isomers and salts of isomers.

(k) Ergonovine and its salts.

(l) Ergotamine and its salts.

(m) Ethylamine, its salts, isomers and salts of isomers.

(n) Ethyl ether.

(o) Gamma butyrolactone.

(p) Hydriodic acid, its salts, isomers and salts of isomers.

(q) Hydrochloric gas.
(r) Iodine.
(s) Isosafrole, its salts, isomers and salts of isomers.
(t) Lithium metal.
(u) Methylamine, its salts, isomers and salts of isomers.
(v) 3,4-Methylenedioxy-phenyl-2-propanone.
(w) N-Methylephedrine, its salts, isomers and salts of isomers.
(x) Methyl isobutyl ketone (MIBK).
(y) N-Methylpseudoephedrine, its salts, isomers and salts of isomers.
(z) Nitroethane, its salts, isomers and salts of isomers.
(aa) Norpseudoephedrine, its salts, isomers and salts of isomers.
(bb) Phenylacetic acid, its esters and its salts.
(cc) Phenylpropanolamine, its salts, isomers and salts of isomers.
(dd) Piperidine and its salts.
(ee) Piperonal, its salts, isomers and salts of isomers.
(ff) Potassium permanganate.
(gg) Propionic anhydride, its salts, isomers and salts of isomers.
(hh) Pseudoephedrine, its salts, isomers and salts of isomers.
(ii) Red phosphorous.
(jj) Safrole, its salts, isomers and salts of isomers.
(kk) Sodium metal.
(ll) Sulfuric acid.
(mm) Toluene.

Sec. 112.4. NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 ~~[,]~~ *or* 453.339 ~~[or 453.3395]~~ or a law of any other jurisdiction which prohibits the same conduct.

Sec. 112.6. NRS 453.3351 is hereby amended to read as follows:

453.3351 1. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, any person who violates NRS 453.322 ~~[,]~~ *or* 453.3385 ~~[or 453.3395]~~ where the violation included the manufacture of any material, compound, mixture or preparation which contains any quantity of methamphetamine:

(a) Within 500 feet of a residence, business, church, synagogue or other place of religious worship, public or private school, campus of the Nevada

System of Higher Education, playground, public park, public swimming pool or recreational center for youths; or

(b) In a manner which creates a great risk of death or substantial bodily harm to another person,

➥ shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime.

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

3. For the purposes of this section:

(a) "Playground" has the meaning ascribed to it in NRS 453.3345.

(b) "Recreational center for youths" has the meaning ascribed to it in NRS 453.3345.

(c) "Residence" means any house, room, apartment, tenement, manufactured home as defined in NRS 489.113, or mobile home as defined in NRS 489.120, that is designed or intended for occupancy.

Sec. 112.8. NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322 ~~[,]~~ *or* 453.3385 , ~~[or 453.3395,]~~ and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 ~~[,]~~ *or* 453.3385 , ~~[or 453.3395,]~~ and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

➥ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:

(a) "Marijuana" does not include concentrated cannabis.

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

➥ whether located aboveground or underground and whether inhabited or not.

Sec. 113. NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 5, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3 and 4 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 ~~[,]~~ *or* 453.339 , ~~[or 453.3395,]~~ a person who violates this section ~~[shall be punished:]~~ :

(a) For ~~[the]~~ *a* first or second offense, if the controlled substance is listed in schedule I ~~[,]~~ *or* II ~~[,]~~ *and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule* III , ~~[or]~~ IV ~~[,]~~ *or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished* for a category E felony as provided in NRS 193.130. *In accordance with section 19 of this act, the court shall defer judgment upon the consent of the person.*

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I ~~[,]~~ *or* II ~~[,]~~ *and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule* III , ~~[or]~~ IV ~~[,]~~ *or V and the quantity possessed is less than 28 grams,* or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled

substance, *is guilty of possession of a controlled substance and shall be punished* for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $20,000.

(c) ~~[For the first offense, if]~~ *If* the controlled substance is listed in schedule ~~[V,]~~ *I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 28 grams or more, but less than 200 grams, is guilty of low-level possession of a controlled substance and shall be punished* for a category ~~[E]~~ *C* felony as provided in NRS 193.130.

(d) ~~[For a second or subsequent offense, if]~~ *If* the controlled substance is listed in schedule ~~[V,]~~ *I or II and the quantity possessed is 28 grams or more, but less than 42 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is 200 grams or more, is guilty of mid-level possession of a controlled substance and shall be punished* for a category ~~[D]~~ *B* felony ~~[as provided in NRS 193.130.]~~ *by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not more than $50,000.*

(e) If the controlled substance is listed in schedule I or II and the quantity possessed is 42 grams or more, but less than 100 grams, is guilty of high-level possession of a controlled substance and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years and by a fine of not more than $50,000.

3. Unless a greater penalty is provided in NRS 212.160, 453.337 or 453.3385, a person who is convicted of the possession of flunitrazepam or gamma-hydroxybutyrate, or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

4. Unless a greater penalty is provided pursuant to NRS 212.160, a person who is convicted of the possession of 1 ounce or less of marijuana:

(a) For the first offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $600; or

(2) ~~[Examined by a treatment provider approved by the court to determine whether the person is a drug addict and is likely to be rehabilitated through treatment and, if the examination reveals that the person is a drug addict and is likely to be rehabilitated through treatment, assigned]~~ *Assigned* to a program of treatment and rehabilitation pursuant to ~~[NRS 453.580. As used in this subparagraph, "treatment provider" has the meaning ascribed to it in NRS 458.010.]~~ *section 20 of this act if the court determines that the person is eligible to participate in such a program.*

(b) For the second offense, is guilty of a misdemeanor and shall be:

(1) Punished by a fine of not more than $1,000; or

(2) Assigned to a program of treatment and rehabilitation pursuant to ~~[NRS 453.580.]~~ *section 20 of this act if the court determines that the person is eligible to participate in such a program.*

(c) For the third offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140.

(d) For a fourth or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. It is not a violation of this section if a person possesses a trace amount of a controlled substance and that trace amount is in or on a hypodermic device obtained from a sterile hypodermic device program pursuant to NRS 439.985 to 439.994, inclusive.

6. *The court may grant probation to or suspend the sentence of a person convicted of violating this section.*

7. As used in this section:

(a) "Controlled substance" includes flunitrazepam, gamma-hydroxybutyrate and each substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.

(b) "Marijuana" does not include concentrated cannabis.

(c) "Sterile hypodermic device program" has the meaning ascribed to it in NRS 439.986.

Sec. 114. NRS 453.3361 is hereby amended to read as follows:

453.3361 1. A local authority may enact an ordinance adopting the penalties set forth for misdemeanors in NRS 453.336 for similar offenses under a local ordinance. The ordinance must set forth the manner in which money collected from fines imposed by a court for a violation of the ordinance must be disbursed in accordance with subsection 2.

2. Money collected from fines imposed by a court for a violation of an ordinance enacted pursuant to subsection 1 must be evenly allocated among:

(a) Nonprofit programs for the treatment of ~~[abuse]~~ *use* of alcohol or drugs that are certified by the Division of Public and Behavioral Health of the Department;

(b) A program of treatment and rehabilitation established by a court pursuant to ~~[NRS 453.580,]~~ *section 20 of this act,* if any; and

(c) Local law enforcement agencies,

➥ in a manner determined by the court.

3. As used in this section, "local authority" means the governing board of a county, city or other political subdivision having authority to enact ordinances.

Sec. 115. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to subparagraph (1) of paragraph (a) of subsection 2 of NRS 453.3325,

subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is found guilty or guilty but mentally ill of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of ~~[an]~~ *:*

(a) An educational program *;* or ~~[, in]~~

(b) In the case of a person dependent upon drugs, ~~[of]~~ a program of treatment and rehabilitation pursuant to ~~[NRS 453.580.]~~ *section 20 of this act if the court determines that the person is eligible for participation in such a program.*

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

Sec. 116. NRS 453.337 is hereby amended to read as follows:

453.337 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance classified in schedule I or II.

2. Unless a greater penalty is provided in NRS 453.3385 ~~[,]~~ *or* 453.339 ~~[or 453.3395,]~~ a person who violates this section shall be punished:

(a) For the first offense, for a category D felony as provided in NRS 193.130.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

(c) For a third or subsequent offense, or if the offender has previously been convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category B felony by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $20,000 for each offense.

3. ~~[The]~~ *Except as otherwise provided in this subsection, unless mitigating circumstances exist that warrant the granting of probation, the* court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable pursuant to paragraph (b) or (c) of subsection 2. *The court shall not grant probation to or suspend the sentence of a person convicted of violating this section, even if mitigating circumstances exist that would otherwise warrant the granting of probation, if the person violated this section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.*

Sec. 117. NRS 453.338 is hereby amended to read as follows:

453.338 1. Except as authorized by the provisions of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to possess for the purpose of sale any controlled substance classified in schedule III, IV or V.

2. A person who violates this section shall be punished:

(a) For the first and second offense, for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than $10,000.

(b) For a third or subsequent offense, or if the offender has been previously convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under the Uniform Controlled Substances Act, for a category C felony as provided in NRS 193.130.

3. ~~[The]~~ *Unless mitigating circumstances exist that warrant the granting of probation, the* court shall not grant probation to or suspend the sentence of a person convicted of violating this section and punishable under paragraph (b) of subsection 2.

Sec. 117.5. NRS 453.3383 is hereby amended to read as follows:

453.3383 For the purposes of NRS 453.3385 ~~[,]~~ *and* 453.339 , ~~[and 453.3395,]~~ the weight of the controlled substance as represented by the person selling or delivering it is determinative if the weight as represented is greater than the actual weight of the controlled substance.

Sec. 118. (Deleted by amendment.)

Sec. 119. NRS 453.3385 is hereby amended to read as follows:

453.3385 1. Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of flunitrazepam, gamma-hydroxybutyrate, any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor or any controlled substance which is listed in schedule I ~~[,]~~ *or II,* except marijuana, or any mixture which contains any such controlled substance, ~~[shall be punished,]~~ unless a greater penalty is provided pursuant to NRS 453.322, if the quantity involved:

(a) Is ~~[4 grams or more, but less than 14 grams, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not more than $50,000.~~

~~(b) Is 14 *possessed is]*~~ *100* grams or more, but less than ~~[28]~~ *400* grams, *is guilty of low-level trafficking and shall be punished* for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than ~~[15]~~ *20* years and by a fine of not more than $100,000.

~~[(c)]~~ *(b)* Is ~~[28]~~ *400* grams or more, *is guilty of high-level trafficking and shall be punished* for a category A felony by imprisonment in the state prison:

(1) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ and by a fine of not more than $500,000.

2. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 120. (Deleted by amendment.)

Sec. 121. NRS 453.3395 is hereby amended to read as follows:

453.3395 Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of any controlled substance which is listed in schedule II or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, if the quantity ~~[involved:~~

~~1. Is 28 grams or more, but less than 200 grams, for a category C felony as provided in NRS 193.130 and by a fine of not more than $50,000.~~

~~2. Is 200~~] *possessed is 400* grams or more, ~~[but less than 400 grams,]~~ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than ~~[10]~~ *20* years and by a fine of not more than $100,000.

~~[3. Is 400 grams or more, for a category A felony by imprisonment in the state prison:~~

~~(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served; or~~

~~(b) For a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served,~~

~~➥ and by a fine of not more than $250,000.]~~

Sec. 122. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as otherwise provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation ~~*[The court may grant probation to or suspend the sentence of a person convicted of violating the provisions]*~~ of NRS 453.3385 ~~[,]~~ *or* 453.339 ~~[or 453.3395]~~ must not be suspended and the person is not eligible for parole until the person has actually served the mandatory minimum term of imprisonment prescribed by the section under which the person was convicted. ~~*[unless the person violated any such section by possessing flunitrazepam, gamma-hydroxybutyrate or any substance for which flunitrazepam or gamma-hydroxybutyrate is an immediate precursor.]*~~

2. The court, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385 ~~[,]~~ *or* 453.339 ~~[or 453.3395]~~ if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.

3. Any appropriate reduction or suspension of a sentence pursuant to subsection 2 must be determined by the court, for reasons stated by the court that may include, without limitation, consideration of the following:

(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

Sec. 122.5. NRS 453.411 is hereby amended to read as follows:

453.411 1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department, or a hospital certified by the Department.

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished ~~[:~~

~~(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.~~

~~(b) If the controlled substance is listed in schedule V,]~~ for a ~~[gross]~~ misdemeanor . ~~[by imprisonment in the county jail for not more than 364 days, and may be further punished by a fine of not more than $1,000.]~~

Sec. 123. NRS 453.5531 is hereby amended to read as follows:

453.5531 1. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving marijuana, to a civil penalty in an amount:

(a) Not to exceed $350,000, if the quantity involved is 100 pounds or more, but less than 2,000 pounds.

(b) Not to exceed $700,000, if the quantity involved is 2,000 pounds or more, but less than 10,000 pounds.

(c) Not to exceed $1,000,000, if the quantity involved is 10,000 pounds or more.

2. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance, except marijuana, which is listed in schedule I or a substitute therefor, to a civil penalty in an amount ~~[:~~

~~(a) Not to exceed $350,000, if the quantity involved is 4 grams or more, but less than 14 grams.~~

~~(b) Not to exceed $700,000, if the quantity involved is 14 grams or more, but less than 28 grams.~~

~~(c) Not]~~ *not* to exceed $1,000,000, if the quantity involved is ~~[28]~~ *100* grams or more.

3. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving a controlled substance which is listed in schedule II or III or a substitute therefor, to a civil penalty in an amount ~~[:~~

~~(a) Not to exceed $350,000, if the quantity involved is 28 grams or more, but less than 200 grams.~~

~~(b) Not to exceed $700,000, if the quantity involved is 200 grams or more, but less than 400 grams.~~

~~(c) Not]~~ *not* to exceed $1,000,000, if the quantity involved is 400 grams or more.

4. Unless a greater civil penalty is authorized by another provision of this section, the State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of

NRS 453.3611 to 453.3648, inclusive, to a civil penalty in an amount not to exceed $350,000.

5. The State of Nevada is entitled, in a civil action brought pursuant to NRS 453.553 involving any act or transaction in violation of the provisions of NRS 453.324, 453.354, 453.355 or 453.357, to a civil penalty in an amount not to exceed $250,000 for each violation.

6. As used in this section, "marijuana" does not include concentrated cannabis.

Sec. 124. NRS 453.700 is hereby amended to read as follows:

453.700 1. Any person who believes himself or herself to be a narcotic addict may make application to the Division of Public and Behavioral Health of the Department for voluntary submission to treatment maintained under the provisions of NRS 453.660 . ~~[or NRS 458.290 to 458.350, inclusive.]~~

2. The Division of Public and Behavioral Health shall adopt regulations relating to the requirements for voluntary submission under this section.

Sec. 124.5. NRS 453C.150 is hereby amended to read as follows:

453C.150 1. Notwithstanding any other provision of law, a person who, in good faith, seeks medical assistance for a person who is experiencing a drug or alcohol overdose or other medical emergency or who seeks such assistance for himself or herself, or who is the subject of a good faith request for such assistance may not be arrested, charged, prosecuted or convicted, or have his or her property subjected to forfeiture, or be otherwise penalized for violating:

(a) Except as otherwise provided in subsection 4, a provision of chapter 453 of NRS relating to:

(1) Drug paraphernalia, including, without limitation, NRS 453.554 to 453.566, inclusive;

(2) Possession, unless it is for the purpose of sale or violates the provisions of NRS 453.3385, subsection 2 of NRS 453.3393 ~~[, 453.3395]~~ or 453.3405; or

(3) Use of a controlled substance, including, without limitation, NRS 453.336;

(b) A local ordinance as described in NRS 453.3361 that establishes an offense that is similar to an offense set forth in NRS 453.336;

(c) A restraining order; or

(d) A condition of the person's parole or probation,

➥ if the evidence to support the arrest, charge, prosecution, conviction, seizure or penalty was obtained as a result of the person seeking medical assistance.

2. A court, before sentencing a person who has been convicted of a violation of chapter 453 of NRS for which immunity is not provided by this section, shall consider in mitigation any evidence or information that the defendant, in good faith, sought medical assistance for a person who was experiencing a drug or alcohol overdose or other life-threatening emergency in connection with the events that constituted the violation.

3. For the purposes of this section, a person seeks medical assistance if the person:

(a) Reports a drug or alcohol overdose or other medical emergency to a member of a law enforcement agency, a 911 emergency service, a poison control center, a medical facility or a provider of emergency medical services;

(b) Assists another person making such a report;

(c) Provides care to a person who is experiencing a drug or alcohol overdose or other medical emergency while awaiting the arrival of medical assistance; or

(d) Delivers a person who is experiencing a drug or alcohol overdose or other medical emergency to a medical facility and notifies the appropriate authorities.

4. The provisions of this section do not prohibit any governmental entity from taking any actions required or authorized by chapter 432B of NRS relating to the abuse or neglect of a child.

5. As used in this section, "drug or alcohol overdose" means a condition, including, without limitation, extreme physical illness, a decreased level of consciousness, respiratory depression, coma, mania or death which is caused by the consumption or use of a controlled substance or alcohol, or another substance with which a controlled substance or alcohol was combined, or that an ordinary layperson would reasonably believe to be a drug or alcohol overdose that requires medical assistance.

Sec. 125. NRS 465.088 is hereby amended to read as follows:

465.088 1. A person who violates any provision of NRS 465.070 to 465.086, inclusive *:* ~~[, is guilty of a category B felony and shall be punished:]~~

(a) For the first offense, ~~[by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $10,000, or by both fine and imprisonment.]~~ *is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

(b) For a second or subsequent violation of any of these provisions, *is guilty of a category B felony and shall be punished* by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000. ~~[The court shall not suspend a sentence of imprisonment imposed pursuant to this paragraph, or grant probation to the person convicted.]~~

2. A person who attempts, or two or more persons who conspire, to violate any provision of NRS 465.070 to 465.086, inclusive, each is guilty of a category ~~[B]~~ *C* felony and shall be punished by imposing the penalty provided in subsection 1 for the completed crime, whether or not he or she personally played any gambling game or used any prohibited device.

Sec. 126. NRS 475.105 is hereby amended to read as follows:

475.105 A person who steals a device intended for use in preventing, controlling, extinguishing or giving warning of a fire:

1. If the device has a value of less than ~~[$650,]~~ *$1,200,* is guilty of a ~~[gross]~~ misdemeanor.

2. If the device has a value of ~~[$650]~~ *$1,200* or more, is guilty of ~~[grand larceny]~~ *a category D felony* and shall be punished as provided in NRS ~~[205.222.]~~ *193.130*.

Sec. 126.3. NRS 483.290 is hereby amended to read as follows:

483.290 1. An application for an instruction permit or for a driver's license must:

(a) Be made upon a form furnished by the Department.

(b) Be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

(c) Be accompanied by the required fee.

(d) State the full legal name, date of birth, sex, address of principal residence and mailing address, if different from the address of principal residence, of the applicant and briefly describe the applicant.

(e) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal.

(f) Include such other information as the Department may require to determine the competency and eligibility of the applicant.

2. Every applicant must furnish proof of his or her full legal name and age by displaying:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 ~~[.]~~ *which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.*

3. The Department shall adopt regulations prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 2, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605.

4. At the time of applying for a driver's license, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.524.

5. Every applicant who has been assigned a social security number must furnish proof of his or her social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

6. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the

territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

7. With respect to any document presented by a person who was born outside of the United States to prove his or her full legal name and age, the Department:

(a) May, if the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) Shall issue to the person presenting the document a driver's license that is valid only during the time the applicant is authorized to stay in the United States, or if there is no definite end to the time the applicant is authorized to stay, the driver's license is valid for 1 year beginning on the date of issuance.

8. The Administrator shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of any state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue a driver's license to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

9. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an instruction permit or for a driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 126.7. NRS 483.860 is hereby amended to read as follows:

483.860 1. Every applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 ~~[.]~~ *which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 4 of that section.*

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state, the District of Columbia, any territory of the United States or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a

foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 127. NRS 484C.320 is hereby amended to read as follows:

484C.320 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, other than an offender who is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug ~~[abuse]~~ *use* for at least 6 months. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or ~~[abuser]~~ *user* of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the cost of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 1 day, or has performed or will perform 24 hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the question of whether the offender is eligible to undergo a program of treatment for alcoholism or drug ~~[abuse.]~~ *use.* The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion. The hearing must be limited to the question of whether the offender is eligible to undergo such a program of treatment.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for a period not to exceed 3 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum fine provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in ~~[NRS 458.320 and 458.330,]~~ *sections 20 to 23, inclusive, of this act*, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 128. NRS 484C.330 is hereby amended to read as follows:

484C.330 1. An offender who is found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484C.400 may, at that time or any time before the offender is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug ~~[abuse]~~ *use* for at least 1 year. The court shall authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or ~~[abuser]~~ *user* of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources; and

(c) The offender has served or will serve a term of imprisonment in jail of 5 days and, if required pursuant to NRS 484C.400, has performed or will perform not less than one-half of the hours of community service.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before the court.

4. If the court grants an application for treatment, the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence of the offender for not more than 3 years upon the condition that the offender be accepted for treatment by a treatment provider that is approved by the court, that the offender complete the treatment satisfactorily and that the offender comply with any other condition ordered by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of the treatment provider for a period not to exceed 3 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) If the offender fails to complete the program of treatment satisfactorily, the offender shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the offender's sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484C.400, but the conviction must remain on the record of criminal history of the offender.

5. The court shall administer the program of treatment pursuant to the procedures provided in ~~[NRS 458.320 and 458.330,]~~ *sections 20 to 23, inclusive, of this act,* except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment except as otherwise provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of a condition of the suspension.

6. The court shall notify the Department, on a form approved by the Department, upon granting the application of the offender for treatment and his or her failure to be accepted for or complete treatment.

Sec. 129. NRS 484C.340 is hereby amended to read as follows:

484C.340 1. An offender who enters a plea of guilty or nolo contendere to a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400 may, at the time the offender enters a plea, apply to the court to undergo a program of treatment for alcoholism or drug ~~[abuse]~~ *use* for at least 3 years. The court may authorize that treatment if:

(a) The offender is diagnosed as an alcoholic or ~~[abuser]~~ *user* of drugs by:

(1) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS, to make that diagnosis; or

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners; and

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources.

➥ An alcohol and drug abuse counselor, a clinical alcohol and drug abuse counselor or a physician who diagnoses an offender as an alcoholic or ~~[abuser]~~ *user* of drugs shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation for not more than 5 years.

(b) Order the offender to complete a program of treatment for alcoholism or drug ~~[abuse]~~ *use* with a treatment provider approved by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for not more than 5 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) The court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of NRS 484C.400 if a treatment provider fails to

accept the offender for a program of treatment for alcoholism or drug ~~[abuse]~~ *use* or if the offender fails to complete the program of treatment satisfactorily. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of NRS 484C.400.

(5) The provisions of NRS 483.460 requiring the revocation of the license, permit or privilege of the offender to drive do not apply.

5. The court shall administer the program of treatment pursuant to the procedures provided in ~~[NRS 458.320 and 458.330,]~~ *sections 20 to 23, inclusive, of this act,* except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of NRS 484C.400 for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

(a) Serve not less than 6 months of residential confinement;

(b) Install, at his or her own expense, a device for not less than 12 months;

(c) Not drive any vehicle unless it is equipped with a device;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for alcoholism or drug ~~[abuse]~~ *use* pursuant to this section if the offender has previously applied to receive treatment pursuant to this section or if the offender has previously been convicted of:

(a) A violation of NRS 484C.430;

(b) A violation of NRS 484C.130;

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(d) A violation of paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.410; or

(f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. As used is this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 130. NRS 484D.335 is hereby amended to read as follows:

484D.335 1. A person is guilty of a category ~~[B]~~ *C* felony and shall be punished ~~[by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $10,000, or by both fine and imprisonment,]~~ *as provided in*

NRS 193.130 if the person knowingly sells a motor vehicle whose odometer has been altered for the purpose of fraud.

2. Except as otherwise provided in subsection 1, any person who violates the provisions of NRS 484D.300 to 484D.345, inclusive, is guilty of a misdemeanor.

Sec. 131. NRS 501.3765 is hereby amended to read as follows:

501.3765 1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than ~~[$650]~~ *$1,200* is guilty of a gross misdemeanor.

2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than ~~[$650:]~~ *$1,200:*

(a) Knowing that the traps, snares or similar devices are stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property,

➥ is guilty of a gross misdemeanor.

Sec. 131.5. NRS 569.100 is hereby amended to read as follows:

569.100 1. A person who takes up an estray or feral livestock as provided for in NRS 569.040 to 569.130, inclusive, is entitled to hold the estray or feral livestock lawfully until relieved of custody by the Department.

2. A person shall not use or cause to be used, for profit or otherwise, any estray or feral livestock in the person's keeping under the provisions of NRS 569.040 to 569.130, inclusive. A violation of this subsection shall be deemed grand larceny or petit larceny, as set forth in NRS 205.2175 to ~~[205.2707,]~~ *205.2705,* inclusive, and the person shall be punished as provided in those sections.

3. Any person taking, leading or driving an estray or feral livestock away from the possession of the lawful holder, as specified in NRS 569.040 to 569.130, inclusive, except as otherwise provided in this section, is subject to all the penalties under the law, whether or not the person is the claimant of the estray or feral livestock.

Sec. 132. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by:

(a) Failing to properly report earnings;

(b) Filing a claim for benefits using the social security number, name or other personal identifying information of another person; or

(c) Filing a claim for or receiving benefits and failing to disclose, at the time he or she files the claim or receives the benefits, any compensation for a temporary total disability or a temporary partial disability or money for rehabilitative services pursuant to chapters 616A to 616D, inclusive, or 617 of NRS received by the person or for which a claim has been submitted pursuant to those chapters.

➥ A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. Except as otherwise provided in subsection 3 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,

➥ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.

5. A person who obtains benefits of ~~[$650]~~ *$1,200* or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection ~~[3 or 4]~~ *2* of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, the Administrator:

(a) Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.

(b) May impose a penalty equal to not more than:

(1) If the amount of such benefits is greater than $25 but not greater than $1,000, 5 percent;

(2) If the amount of such benefits is greater than $1,000 but not greater than $2,500, 10 percent; or

(3) If the amount of such benefits is greater than $2,500, 35 percent,

➥ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 133. NRS 652.074 is hereby amended to read as follows:

652.074 The provisions of this chapter do not apply to any:

1. Test or examination conducted by a law enforcement officer or agency;

2. Test or examination required by a court as a part of or in addition to a program of treatment and rehabilitation pursuant to ~~[NRS 453.580;]~~ *section 20 of this act;* or

3. Task performed in accordance with the regulations adopted by the Board pursuant to NRS 449.0304 or 449.4309.

Sec. 133.3. 1. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public Safety for personnel costs for quality assurance, data tracking, record sealing and tracking the following sums:

For the Fiscal Year 2019-2020..... $344,542

For the Fiscal Year 2020-2021..... $421,466

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 133.5. 1. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public Safety for personnel costs ~~[to upgrade the Nevada Offender Tracking Information System]~~ the sum of $150,337.

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

Sec. 133.7. 1. There is hereby appropriated from the State General Fund to the Department of Corrections for personnel costs to address reporting requirements imposed pursuant to the provisions of this act the following sums:

For the Fiscal Year 2019-2020..... $30,348

For the Fiscal Year 2020-2021..... $83,133

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, respectively.

Sec. 134. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 135. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 135.5. 1. When the next reprint of the Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall replace the terms "abuse" and "abuser" as such terms appear in the Nevada Revised Statutes in relation to, without limitation, alcohol or drug abuse or substance abuse assessments, screenings, disorders or treatment programs, with the terms "use" and "user," respectively, in the manner provided in this act.

2. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, make such changes as necessary so that the terms "abuse" and "abuser" are replaced with the terms "use" and "user," respectively, as described in subsection 1 and as provided for in this act.

3. To the extent that revisions are made to the Nevada Revised Statutes pursuant to subsection 1, the revisions shall be construed as nonsubstantive

and it is not the intent of the Nevada Legislature to modify any existing interpretations of any statute which is so revised.

Sec. 136. NRS 205.2707, 453.3395, 453.580, 458.290, 458.300, 458.310, 458.320, 458.325, 458.330, 458.340 and 458.350 are hereby repealed.

Sec. 137. 1. This section and sections 133.3, 133.5 and 133.7 of this act become effective on July 1, 2019.

2. Sections 1 to 133, inclusive, and 134 to 136, inclusive, of this act become effective on July 1, 2020.

LEADLINES OF REPEALED SECTIONS

205.2707 Penalty for theft of money or property of value of $650 or more from vending machines; determination of value of property taken includes cost to repair any damage to vending machine.

453.3395 Trafficking in controlled substances: Schedule II substances.

453.580 Program for treatment of certain offenders: Requirements; payment of costs; completion in another jurisdiction.

458.290 "Drug addict" defined.

458.300 Eligibility for assignment to program of treatment.

458.310 Hearing to determine whether defendant should receive treatment.

458.320 Examination of defendant; determination of acceptability for treatment; imposition of conditions; deferment of sentencing; payment of costs of treatment.

458.325 Completion of treatment under supervision of treatment provider in another jurisdiction.

458.330 Deferment of sentencing; satisfaction of conditions for treatment; determination of transfer to another treatment provider or sentencing; sealing of records.

458.340 Civil commitment not criminal conviction.

458.350 State or political subdivision not required to provide treatment provider for treatment.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senators Cannizzaro and Pickard.

SENATOR CANNIZZARO:

Amendment No. 1107 to Assembly Bill No. 236 does several things. It eliminates sections 1 through 4, which relate to pre-prosecution diversion for felony and gross misdemeanors. In section 17, it excludes violent and sexual offenders from early termination requirements. In sections 18, 35 and 101, it revises the definition of crimes that may constitute a technical violation and revises definition of "absconding." In section 19, it excludes those charged with sexual offenses, violent offenses and offenses against children from a deferred sentence and adds language to clarify the plea-agreement diversion. Section 34 makes various changes to the times for which people may be placed on probation, and it also revises probation caps. Section 93.3 deals with geriatric paroles. Section 113 revises drug possession and trafficking levels to reflect additional felony enhancements. It also makes various changes to the habitual criminal statute and also changes the definition of "burglary."

SENATOR PICKARD:

Were the amendments to Assembly Bill No. 236 proposed by the Nevada District Attorneys Association related to trafficking amounts resolved or included in this amendment?

SENATOR CANNIZZARO:

This is a compromise version of this bill, and we took the proposed amendment from the Nevada District Attorneys Association into consideration.

Amendment adopted.

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

Assembly Bill No. 414.

Bill read second time and ordered to third reading.

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

Motion carried.

Senate in recess at 11:56 p.m.

SENATE IN SESSION

At 12:05 a.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 10.

Resolution read.

Senator Ohrenschall moved the adoption of the resolution.

Remarks by Senators Ohrenschall, Pickard and Seevers Gansert.

SENATOR OHRENSCHALL:

Senate Concurrent Resolution No. 10 directs the Legislative Commission to study the feasibility, viability and design of a public health-care insurance plan that is made available to all Nevadans which will improve stability in the health-insurance market in this State; reduce the number of Nevadans without health-insurance coverage; and increase access to affordable coverage for healthcare. The resolution authorizes the Legislative Commission to enter into a contract with one or more consultants to conduct actuarial and other analyses to assist the Legislative Commission. A report of any consultants findings shall be submitted to the Legislative Commission, and the Commission shall submit a report of the results of the study to the 81st Session of the Nevada Legislature.

SENATOR PICKARD:

My record is clear that, for the most part, I support studies; I have only voted "no" on one. This is going to be the second I am going to vote "no" on Senate Concurrent Resolution No. 10 because it is a study intended to gather information to support a preordained decision. The decision has been made, and it was confirmed in testimony that a single-payer healthcare system is to be provided by the State through the Public Employee Benefits Program, and it is to be comparable to the Medicaid buy-in program we saw last Session. If we are going to have a study and label it as one to determine how to best access insurance for our constituents, we should be looking at all the options, not a preordained option. We should be looking at this option, but it appears this study is intended to allow one organization to capitalize on an opportunity under a public-private partnership moniker. It is an inappropriate use of our resources to support a preordained decision. It is a mistake not to expand it to be a reasonable and all-encompassing study so we can learn about the space we are discussing. It limits it to the preordained notion, which ultimately will lead to a massive fiscal note if implemented. Will we be able to afford this if implemented. We could not afford the Medicaid for All bill, and this will not have the subsidies that would have come with that bill. It will end up in a place where we cannot use it and is so narrow. It is a mistake.

SENATOR SEEVERS GANSERT:

I also have concerns about Senate Concurrent Resolution No. 10. We all agree that what we want is access to care, which is not necessarily insurance. We now have Federally Qualified Health Centers, where federal dollars come into play, and we could provide health care through those in that type of partnership or in public-private partnerships. I am not sure if an insurance vehicle is the right way to go or if we should look at how we can provide better access to care.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution No. 11.

Resolution read.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senator Cannizzaro.

Senate Concurrent Resolution No. 11 is intended to allow time over the interim in order to take a comprehensive look at the way in which we utilize cash bail in pretrial releases; the ways in which we ensure individuals who are charged come back to court, and the way it is handled throughout the court system. What Senate Concurrent Resolution No. 11 attempts to do is take a comprehensive approach to that. The resolution, in its plain language, includes a directive to ensure we are looking at all aspects of this including race, gender, income inequality, how the idea of cash bail affects low-level and high-level offenders, how we can keep our communities safe and how we can ensure people continue to show up to court. This is an important topic about which we heard a lot not only last Session but also during this Session. The idea of reforming the cash-bail system is something we need to devote our energy into looking at further.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 544.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 16.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1096.

SUMMARY—Revises provisions relating to certain gift accounts for veterans services. (BDR 37-196)

AN ACT relating to veterans; authorizing the Director of the Department of Veterans Services to apply for ~~[certain federal]~~ grants and other sources of money; authorizing the Director to accept certain money received from various sources; requiring the Director to deposit any money received from ~~[federal]~~ certain grants or ~~[certain]~~ other sources of money with the State Treasurer for credit to certain accounts ~~[and]~~ ; requiring the Director to use ~~[such]~~ money received from grants and other sources only for specified purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, special fees collected from the issuance and renewal of certain license plates are deposited into the Gift Account for Veterans and may

be used only for the support of outreach programs or services for veterans and their families, or both. (NRS 417.115, 482.3764) Section 1 of this bill authorizes the Director of the Department of Veterans Services to apply for ~~[federal]~~ grants and other sources of money available for the support of outreach programs or services for veterans and their families, or both. Section 1 further authorizes the Director to accept gifts, grants, donations and other sources of money for such support. Section 1 additionally requires the Director to deposit any money received from ~~[federal grants and certain other money received from]~~ gifts, grants, donations or other sources of money, except money received from a federal or state grant, with the State Treasurer for credit to the Gift Account for Veterans and to use such money only for specified purposes.

Existing law creates the Account to Assist Veterans Who Have Suffered Sexual Trauma within the State General Fund and requires the Director to administer the Account. (NRS 417.119) Section 1.2 of this bill authorizes the Director to apply for ~~[federal]~~ grants and other sources of money available for the assistance of veterans who have suffered sexual trauma while on active duty or during military training. Section 1.2 also requires the Director to deposit any money received from ~~[federal grants and certain other money received from]~~ gifts, grants, donations or other sources for such assistance, except money received from a federal or state grant, with the State Treasurer for credit to the Account and to use such money only to assist veterans who have suffered sexual trauma while on active duty or during military training.

Existing law creates the Gift Account for the Veterans Home in Southern Nevada and the Gift Account for the Veterans Home in Northern Nevada, both within the State General Fund. (NRS 417.145) Section 1.4 of this bill requires the Director to administer both accounts. Section 1.4 also authorizes the Director to apply for and accept gifts, grants, donations and any other source of money for the support of the veterans' home in southern Nevada and the veterans' home in northern Nevada. Section 1.4 also provides that money deposited into either account must be used only for the support of the veterans' home in southern Nevada or the veterans' home in northern Nevada, as applicable.

Existing law creates the Gift Account for Veterans Cemeteries within the State General Fund. (NRS 417.220) Section 1.6 of this bill requires the Director to administer the Account and authorizes the Director to apply for and accept gifts, grants, donations and any other sources of money for the support of veterans' cemeteries in Nevada. Section 1.6 also provides any money deposited in the Account must be used only for the support of veterans' cemeteries in Nevada.

Existing law creates the Nevada Will Always Remember Veterans Gift Account in the State General Fund. (NRS 417.410) Section 1.8 of this bill requires the Director to administer the Account and authorizes the Director to apply for ~~[federal]~~ grants and other sources of money available for the design, procurement and installation of markers, plaques, statues or signs bearing the

names of deceased members of the Armed Forces of the United States. Section 1.8 also requires the Director to deposit any money received from ~~[federal]~~ grants and other sources of money for such projects , except money received from a federal or state grant, with the State Treasurer for credit to the Nevada Will Always Remember Veterans Gift Account.

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

Section 1. NRS 417.115 is hereby amended to read as follows:

417.115 1. The Gift Account for Veterans is hereby created in the State General Fund. The Director shall administer the Gift Account for Veterans.

2. The money deposited in the Gift Account for Veterans pursuant to *subsection 5 or* NRS 482.3764 may only be used for the support of outreach programs or services for veterans and their families, or both, as determined by the Director.

3. *The Director may apply for ~~[federal]~~ grants and other sources of money available for the support of outreach programs or services for veterans and their families, or both, as determined by the Director. The Director shall use a ~~[federal]~~ grant only as permitted by the terms of the grant.*

4. The Director may accept gifts, grants, donations and any other sources of money for the support of outreach programs or services for veterans and their families, or both, as determined by the Director.

5. The Director shall deposit any money received ~~[from a federal grant and other money received]~~ pursuant to subsection 3 or 4 , except money received from a federal or state grant, with the State Treasurer for credit to the Gift Account for Veterans.

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

~~[4.]~~ *7.* All money in the Gift Account for Veterans must be paid out on claims approved by the Director as other claims against the State are paid.

~~[5.]~~ *8.* Any money remaining in the Gift Account for Veterans at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.

~~[6.]~~ *9.* The Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Gift Account for Veterans.

Sec. 1.2. NRS 417.119 is hereby amended to read as follows:

417.119 1. The Account to Assist Veterans Who Have Suffered Sexual Trauma is hereby created in the State General Fund. The Director shall administer the Account.

2. *The Director may apply for ~~[federal]~~ grants and other sources of money available for the assistance of veterans who have suffered sexual trauma while on active duty or during military training. The Director shall use a ~~[federal]~~ grant only as permitted by the terms of the grant.*

3. The Director may ~~[apply for any available grants and]~~ accept gifts, grants, donations and any other source of money ~~[for deposit in the Account.]~~ *for the assistance of veterans who have suffered sexual trauma while on active duty or during military training.*

~~[3.]~~ *4. The Director shall deposit any money received ~~[from a federal grant and other money received]~~ pursuant to subsection 2 or 3 , except money received from a federal or state grant, with the State Treasurer for credit to the Account.*

5. Money deposited in the Account and any interest and income earned on such money must be used only to assist veterans who have suffered sexual trauma while on active duty or during military training. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. All money in the Account must be paid out on claims approved by the Director as other claims against the State are paid. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

Sec. 1.4. NRS 417.145 is hereby amended to read as follows:

417.145 1. The Veterans Home Account is hereby established in the State General Fund.

2. Money received from:

(a) Payments made by the United States Department of Veterans Affairs for veterans who receive care in a veterans' home;

(b) Other payments for medical care and services;

(c) Appropriations made by the Legislature for veterans' homes;

(d) Federal grants and other money received pursuant to paragraph (c) of subsection 1 of NRS 417.147;

(e) Money collected pursuant to the schedule of rates established pursuant to subsection 2 of NRS 417.147 for occupancy of rooms at veterans' homes; and

(f) Except as otherwise provided in subsections 7 and 8, gifts of money and proceeds derived from the sale of gifts of personal property for the use of veterans' homes, if the use of those gifts has not been restricted by the donor,

➥ must be deposited with the State Treasurer for credit to the Veterans Home Account.

3. Interest and income must not be computed on the money in the Veterans Home Account.

4. The Veterans Home Account must be administered by the Director, with the advice of the administrators, and except as otherwise provided in paragraph (c) of subsection 1 of NRS 417.147, the money deposited in the Veterans Home Account may only be expended for:

(a) The establishment, management, maintenance and operation of veterans' homes;

(b) A program or service related to a veterans' home;

(c) The solicitation of other sources of money to fund a veterans' home; and

(d) The purpose of informing the public about issues concerning the establishment and uses of a veterans' home.

5. Except as otherwise provided in subsections 7 and 8, gifts of personal property for the use of veterans' homes:

(a) May be sold or exchanged if the sale or exchange is approved by the State Board of Examiners; or

(b) May be used in kind if the gifts are not appropriate for conversion to money.

6. All money in the Veterans Home Account must be paid out on claims approved by the Director as other claims against the State are paid.

7. The Gift Account for the Veterans Home in Southern Nevada is hereby established in the State General Fund. *The Director shall administer the Gift Account for the Veterans Home in Southern Nevada and may apply for and accept gifts, grants, donations and any other sources of money for the support of the veterans' home in southern Nevada. The Director shall deposit such money, except for money received from a federal or state grant, with the State Treasurer for credit to the Account. The money deposited in the Account and any interest and income earned on such money must be used only for the support of the veterans' home in southern Nevada.* Gifts of money or personal property which the donor has restricted to one or more uses at the veterans' home in southern Nevada must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at this veterans' home must be deposited with the State Treasurer for credit to the Gift Account for the Veterans Home in Southern Nevada. The interest and income earned on the money in the Gift Account for the Veterans Home in Southern Nevada, after deducting any applicable charges, must be credited to the Gift Account for the Veterans Home in Southern Nevada. Any money remaining in the Gift Account for the Veterans Home in Southern Nevada at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.

8. The Gift Account for the Veterans Home in Northern Nevada is hereby established in the State General Fund. *The Director shall administer the Gift Account for the Veterans Home in Northern Nevada and may apply for and accept gifts, grants, donations and any other sources of money for the support of the veterans' home in northern Nevada. The Director shall deposit such money, except for money received from a federal or state grant, with the State Treasurer for credit to the Account. The money deposited in the Account and any interest and income earned on such money must be used only for the support of the veterans' home in northern Nevada.* Gifts of money or personal property which the donor has restricted to one or more uses at the veterans' home in northern Nevada must be used only in the manner designated by the donor. Gifts of money which the donor has restricted to one or more uses at this veterans' home must be deposited with the State Treasurer for credit to the Gift Account for the Veterans Home in Northern Nevada. The interest and income earned on the money in the Gift Account for the Veterans Home in

Northern Nevada, after deducting any applicable charges, must be credited to the Gift Account for the Veterans Home in Northern Nevada. Any money remaining in the Gift Account for the Veterans Home in Northern Nevada at the end of each fiscal year does not lapse to the State General Fund, but must be carried forward into the next fiscal year.

9. The Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Gift Account for the Veterans Home in Southern Nevada and the Gift Account for the Veterans Home in Northern Nevada.

Sec. 1.6. NRS 417.220 is hereby amended to read as follows:

417.220 1. The Account for Veterans Affairs is hereby created in the State General Fund.

2. Money received by the Director from:

(a) Fees charged pursuant to NRS 417.210;

(b) Allowances for burial from the United States Department of Veterans Affairs or other money provided by the Federal Government for the support of veterans' cemeteries;

(c) Receipts from the sale of gifts and general merchandise;

(d) Grants obtained by the Director for the support of veterans' cemeteries; and

(e) Except as otherwise provided in subsection 6 and NRS 417.115, 417.145, 417.147 and 417.410, gifts of money and proceeds derived from the sale of gifts of personal property that he or she is authorized to accept, if the use of such gifts has not been restricted by the donor,

➥ must be deposited with the State Treasurer for credit to the Account for Veterans Affairs and must be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, whichever is appropriate.

3. The interest and income earned on the money deposited pursuant to subsection 2, after deducting any applicable charges, must be accounted for separately. Interest and income must not be computed on money appropriated from the State General Fund to the Account for Veterans Affairs.

4. The money deposited pursuant to subsection 2 may only be used for the operation and maintenance of the cemetery for which the money was collected. In addition to personnel he or she is authorized to employ pursuant to NRS 417.200, the Director may use money deposited pursuant to subsection 2 to employ such additional employees as are necessary for the operation and maintenance of the cemeteries, except that the number of such additional full-time employees that the Director may employ at each cemetery must not exceed 60 percent of the number of full-time employees for national veterans' cemeteries that is established by the National Cemetery Administration of the United States Department of Veterans Affairs.

5. Except as otherwise provided in subsection 7, gifts of personal property which the Director is authorized to receive but which are not appropriate for conversion to money may be used in kind.

6. The Gift Account for Veterans Cemeteries is hereby created in the State General Fund. *The Director shall administer the Gift Account for Veterans Cemeteries and may apply for and accept gifts, grants, donations and any other sources of money for the support of the veterans' cemeteries in Nevada. The Director shall deposit such money, except for money received from a federal or state grant, with the State Treasurer for credit to the Account. The money deposited in the Account and any interest and income earned on such money must be used only for the support of veterans' cemeteries in Nevada.* Gifts ~~[of]~~ *, grants, donations and other* money that the Director is authorized to accept and which the donor has restricted to one or more uses at a veterans' cemetery must be accounted for separately in the Gift Account for Veterans Cemeteries. The interest and income earned on the money deposited pursuant to this subsection must, after deducting any applicable charges, be accounted for separately for a veterans' cemetery in northern Nevada or a veterans' cemetery in southern Nevada, as applicable. Any money remaining in the Gift Account for Veterans Cemeteries at the end of each fiscal year does not revert to the State General Fund, but must be carried over into the next fiscal year.

7. The Director shall use gifts of money or personal property that he or she is authorized to accept and for which the donor has restricted to one or more uses at a veterans' cemetery in the manner designated by the donor, except that if the original purpose of the gift has been fulfilled or the original purpose cannot be fulfilled for good cause, any money or personal property remaining in the gift may be used for other purposes at the veterans' cemetery in northern Nevada or the veterans' cemetery in southern Nevada, as appropriate.

Sec. 1.8. NRS 417.410 is hereby amended to read as follows:

417.410 1. The Nevada Will Always Remember Veterans Gift Account is hereby created in the State General Fund.

2. ~~[The Director may accept donations, gifts and grants of money from any source for deposit in the Account.~~

~~3.]~~ The money deposited in the Account pursuant to subsection ~~[2]~~ *4* must only be used to pay for the design, procurement and installation of markers, plaques, statues or signs bearing the names of deceased members of the Armed Forces of the United States pursuant to the provisions of NRS 331.125, 407.066 and 408.119.

3. The Director shall administer the Account and may apply for ~~[federal]~~ grants and other sources of money available for the purposes set forth in subsection 2. The Director shall use a ~~[federal]~~ grant only as permitted by the terms of the grant.

4. The Director may accept gifts, grants, donations and any other sources of money received pursuant to this subsection or subsection 3 and, except for money received from a federal or state grant, shall deposit the money with the State Treasurer for credit to the Account.

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

~~[5.]~~ *6.* Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1096 revises Senate Bill No. 16 to eliminate the ability of the Department of Veterans Services to deposit federal or State grant funds into the agency's various gift accounts, which are currently outside of the review and approval of the Legislature's money committees and are not part of the biennial budget process. Instead, any federal or State grant funds received by the Department would be budgeted and expended from those agency budgets subject to Legislative review and oversight.

Amendment adopted.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 16 standardizes the language regarding the Department of Veterans Services' ability to apply for, accept and expend gifts, grants, donations and other sources of money and requires the Director to deposit funds received in the appropriate Department gift account and to only expend the gift, grant or donation only for specified purposes.

Roll call on Senate Bill No. 16:

YEAS—21.

NAYS—None.

Senate Bill No. 16 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 82.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1091.

SUMMARY—Revises provisions relating to education. (BDR 31-479)

AN ACT relating to education; revising the membership of the Board of Trustees of the College Savings Plans of Nevada; revising provisions relating to the administration of the Nevada Higher Education Prepaid Tuition Trust Fund; revising provisions governing the Nevada College Kick Start Program; revising provisions relating to the Endowment Account in the State General Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Board of Trustees of the College Savings Plans of Nevada was created under existing law to oversee the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program. (NRS 353B.005, 353B.090, 353B.310) Existing law provides that the State Treasurer or his or her designee serves as an ex officio nonvoting member of the Board. (NRS 353B.005) Section ~~[1]~~ 3 of this bill revises the membership of the Board to: (1) provide that the State Treasurer serves as a voting member of the Board; and (2) reduce the number of voting members appointed by the Governor from

three to two. Section 1 of this bill defines the term "marketing" for the purposes of the provisions prescribing the duties of the Board regarding the programs. Section 2 of this bill makes a conforming change.

Existing law: (1) creates the Nevada Higher Education Prepaid Tuition Trust Fund; and (2) requires the State Treasurer to administer the Trust Fund. Existing law also requires that any employees hired by the State Treasurer to administer the Nevada Higher Education Prepaid Tuition Program be paid out of the assets of the Trust Fund. (NRS 353B.140, 353B.150) Section ~~[2]~~ 4 of this bill eliminates the requirement to pay such employees out of the assets of the Trust Fund.

Under existing law, the Board is required to establish the Nevada College Kick Start Program to create college savings accounts for pupils who are enrolled in kindergarten in public schools in Nevada and are residents of Nevada. (NRS 353B.335) Section ~~[3]~~ 5 of this bill requires the Board to determine the appropriate accounting method for the money in such an account, which must be in accordance with generally accepted accounting principles.

Existing law requires the State Treasurer to establish an Endowment Account in the State General Fund to carry out the State Treasurer's duties with respect to the Nevada College Savings Program. The Endowment Account is required to be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings trust agreement and which the State Treasurer determines is not necessary for certain administration and marketing activities. The State Treasurer is authorized to expend money in the Endowment Account for purposes related to the funding of college savings accounts under the Nevada College Kick Start Program, the Governor Guinn Millennium Scholarship Program, administrative and marketing costs related to the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program and programs for the financial education of residents of this State. (NRS 353B.350) Section ~~[4]~~ 6 of this bill: (1) increases the amount of money the State Treasurer is authorized to expend from the Endowment Account for marketing costs related to the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program; and (2) authorizes the State Treasurer to expend money in the Endowment Account for any other costs that assist residents of Nevada to attain postsecondary education which have been approved by the Board.

Existing law authorizes the Board to accept and expend on behalf of the Nevada College Savings Trust Fund money provided by a private entity for administrative costs and marketing, but specifies that such money is not part of the Trust Fund. (NRS 353B.360) Section ~~[5]~~ 7 of this bill expands such authority to allow the Board to apply for and accept grants and to accept any gift, bequest, devise or other donation provided by a public entity for administrative costs or costs of marketing the Nevada College Savings Program, including the Nevada College Kick Start Program. Section ~~[5]~~ 7

requires all such money accepted by the Board from public and private sources be deposited in the Endowment Account and section ~~[4]~~ 6 provides that the money does not count against the limitation in existing law on expenditures from the Endowment Account for the costs of marketing.

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

Section 1. Chapter 353B of NRS is hereby amended by adding thereto a new section to read as follows:

"Marketing" means activities relating to marketing and promotion, including, without limitation, market research, public relations, branding and creative services, design and purchase of advertising, design and printing or production of collateral and promotional items, event sponsorships, incentives payable to a student's scholarship or savings trust account and website design and development. The term includes all such activities performed for the purposes of this chapter, whether performed by state employees or other persons.

Sec. 2. NRS 353B.001 is hereby amended to read as follows:

353B.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 353B.002 ~~[and]~~ , 353B.004 *and section 1 of this act* have the meanings ascribed to them in those sections.

~~[Section 1.]~~ *Sec. 3.* NRS 353B.005 is hereby amended to read as follows:

353B.005 1. There is hereby created a Board of Trustees of the College Savings Plans of Nevada.

2. The Board consists of ~~[:~~

~~(a) Five voting]~~ *five* members composed of:

~~[(1)]~~ *(a) The State Treasurer, who may name a designee to serve on the Board on his or her behalf.*

(b) The Director of the Office of Finance, who may name a designee to serve on the Board on his or her behalf.

~~[(2)]~~ *(c)* The Chancellor of the System, who may name a designee to serve on the Board on his or her behalf.

~~[(3) Three]~~

(d) Two members appointed by the Governor. A member who is appointed by the Governor must possess knowledge, skill and experience in the field of:

~~[(I)]~~ *(1)* Accounting;

~~[(II)]~~ *(2)* Finance;

~~[(III)]~~ *(3)* Investment management; or

~~[(IV)]~~ *(4)* Marketing.

~~[(b) The State Treasurer or his or her designee, who serves ex officio as a nonvoting member.]~~

3. A member of the Board who is appointed by the Governor pursuant to ~~[subparagraph (3) of]~~ paragraph ~~[(a)]~~ *(d)* of subsection 2:

(a) Serves for a term of 4 years ~~[,]~~ *or until his or her successor is appointed;*

(b) Except as otherwise provided in paragraph (c), may be reappointed by the Governor; and

(c) Except as otherwise provided in this paragraph, may serve for only two terms. A member who is appointed to fill a vacancy in an unexpired term that is not longer than 3 years may serve two terms in addition to the unexpired term.

4. The ~~[voting]~~ members of the Board shall elect a Chair of the Board from among their number. ~~[The term of office of the Chair is 1 year.]~~

5. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing his or her duties.

6. As used in this section, the term "College Savings Plans of Nevada" includes the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program.

~~[Sec. 2.]~~ *Sec. 4.* NRS 353B.150 is hereby amended to read as follows:

353B.150 1. The State Treasurer shall administer the Trust Fund.

2. As Administrator of the Trust Fund, the State Treasurer:

(a) Shall maintain the financial records of the Trust Fund;

(b) Shall invest the property in the Trust Fund pursuant to the policies for investment established by the Board pursuant to NRS 353B.160;

(c) Shall manage any account associated with the Trust Fund;

(d) Shall maintain any instruments that evidence investments made with property from the Trust Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of NRS 353B.010 to 353B.190, inclusive;

(f) May hire such employees as are necessary to carry out the provisions of NRS 353B.010 to 353B.190, inclusive *;* ~~[, who must be paid out of the assets of the Trust Fund;]~~ and

(g) May perform any other duties necessary to administer the Trust Fund.

~~[Sec. 3.]~~ *Sec. 5.* NRS 353B.335 is hereby amended to read as follows:

353B.335 1. The Board shall establish the Nevada College Kick Start Program to provide for the creation of ~~[a college savings]~~ *an* account for each pupil who is a resident of this State upon commencement of his or her enrollment in kindergarten at a public school in this State. Within the limits of money available for this purpose, the Board shall ~~[deposit]~~ *make* money ~~[in]~~ *available to each* such ~~[an]~~ account to be used to pay a portion of the costs of higher education of the pupil. *The Board shall determine the appropriate accounting method for the money in such an account, which must be in accordance with generally accepted accounting principles.*

2. The Board shall adopt regulations for the implementation of the Program, including, without limitation, regulations regarding:

(a) Enrollment in the Program, including without limitation, opting in or opting out of the Program;

(b) Procedures for the parent or guardian of a pupil to access the account of the pupil created pursuant to subsection 1;

(c) The time within which the money in the account created pursuant to subsection 1 must be used; and

(d) Distributions from an account created pursuant to subsection 1.

3. The Board may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program.

4. The Board ~~[shall]~~ *may* transfer to the Endowment Account established pursuant to NRS 353B.350 the balance in the account of a pupil created pursuant to subsection 1 that:

(a) Has not been accessed by a parent or guardian of the pupil in the manner prescribed in the regulations adopted pursuant to subsection 2 by the time the pupil is enrolled in grade 5.

(b) Is otherwise remaining after expiration of the time prescribed in the regulations adopted pursuant to subsection 2 within which the money in the account must be used.

~~[Sec. 4.]~~ *Sec. 6.* NRS 353B.350 is hereby amended to read as follows:

353B.350 1. The Trust Fund and any account established by the State Treasurer pursuant to this section must be administered by the State Treasurer.

2. The State Treasurer shall establish such accounts as he or she determines necessary to carry out his or her duties pursuant to NRS 353B.300 to 353B.370, inclusive, including, without limitation:

(a) A Program Account in the Trust Fund; and

(b) An Administrative Account and an Endowment Account in the State General Fund.

3. The Program Account must be used for the receipt, investment and disbursement of money pursuant to savings trust agreements.

4. The Administrative Account must be used for the deposit and disbursement of money to administer and market the Nevada College Savings Program and to supplement the administration and marketing of the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive.

5. In addition to the money transferred pursuant to NRS 353B.335 ~~[,]~~ *and deposited pursuant to NRS 353B.360,* the Endowment Account must be used for the deposit of any money received by the Nevada College Savings Program that is not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, is not necessary for the use of the Administrative Account. ~~[The]~~ *Except as otherwise provided in NRS 353B.360, the* money in the Endowment Account may be expended for any purpose related to:

(a) The funding of ~~[college savings]~~ accounts created under the Nevada College Kick Start Program established pursuant to NRS 353B.335;

(b) The Governor Guinn Millennium Scholarship Program created pursuant to NRS 396.926, including, without limitation, the costs of administering the Program, but such costs must not exceed an amount equal to 3 percent of the anticipated annual revenue to the State of Nevada from the settlement agreements with and civil actions against manufacturers of tobacco products anticipated for deposit in the Trust Fund;

(c) The administrative costs, as approved by the Legislature or the Interim Finance Committee, of activities related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program;

(d) The costs of marketing related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program, but such costs must not exceed an amount equal to ~~[3]~~ *10* percent of the money in the Endowment Account *, other than money deposited pursuant to NRS 353B.360,* that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account; ~~[or]~~

(e) The costs of providing programs for the financial education of residents of this State, but such costs must not exceed an amount equal to 3 percent of the money in the Endowment Account that was received during the first fiscal year of the immediately preceding biennium by the Nevada College Savings Program, was not received pursuant to a savings trust agreement and, in the determination of the State Treasurer, was not necessary for the use of the Administrative Account ~~[.]~~ *; or*

(f) Any other costs that assist the residents of this State to attain postsecondary education which have been approved by the Board.

~~[Sec. 5.]~~ *Sec. 7.* NRS 353B.360 is hereby amended to read as follows:

353B.360 The Board may *apply for and accept a grant and may* accept ~~[and expend on behalf of the Trust Fund money]~~ *any gift, bequest, devise or other donation* provided by *a public or* private ~~[entities]~~ *source* for ~~[direct expenses]~~ *administrative costs* or *costs of* marketing *the Nevada College Savings Program set forth in NRS 353B.300 to 353B.370, inclusive, including the Nevada College Kick Start Program,* in accordance with the provisions of NRS 353.150 to 353.245, inclusive. Such money ~~[is not a part of]~~ *must be deposited in* the ~~[Trust Fund.]~~ *Endowment Account established pursuant to subsection 2 of NRS 353B.350.*

~~[Sec. 6.]~~ *Sec. 8.* 1. The terms of the members of the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005 who were appointed pursuant to sub-paragraph (3) of paragraph (a) of subsection 2 of

NRS 353B.005, as that section existed on June 30, 2019, and who are incumbent on June 30, 2019, expire on that date.

2. On or before July 1, 2019, the Governor shall appoint two members of the Board of Trustees of the College Savings Plans of Nevada created by NRS 353B.005 pursuant to paragraph (d) of subsection 2 of NRS 353B.005, as amended by section 1 of this act, to terms commencing on July 1, 2019.

~~[Sec. 7.]~~ *Sec. 9.* 1. This section and section ~~[6]~~ 8 of this act become effective upon passage and approval.

2. Sections 1 to ~~[5,]~~ 7, inclusive, of this act become effective on July 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1091 revises Senate Bill No. 82 by amending section 4 of NRS 353B.350 to add a definition of "marketing" for purposes of this section and clarifying that the proportional share of staff time performing activities that meet the definition of marketing are subject to the proposed 10-percent cap on marketing expenditures.

Amendment adopted.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 82 makes various changes to the Nevada Board of Trustees of the College Savings Plans of Nevada. It revises the membership of the Board to provide that the State Treasurer serve as a voting member of the Board and reduces the number of voting members appointed by the Governor from three to two. It eliminates the requirement that employees in the State Treasurer's Office, who administer the Higher Education Prepaid Tuition Trust Fund, are paid out of the assets of the Trust Fund; requires the Board to determine the appropriate accounting method for the money held in College Kick Start program accounts, which must be in accordance with generally accepted accounting principles; increases the amount of money the State Treasurer is authorized to expend from the Endowment Account for marketing costs related to the Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings Program; authorizes the State Treasurer to expend money in the Endowment Account for any other costs that assist residents of Nevada to attain postsecondary education which have been approved by the Board, and allows the Board to apply for and accept grants and to accept any gift, bequest, device or other donation provided by a public entity for administrative costs or costs of marketing the Nevada College Savings Program, including the Nevada College Kick Start Program. It requires all such money accepted by the Board from public and private sources be deposited in the Endowment Account and that the money does not count against the limitation in existing law on expenditures from the Endowment Account for the costs of marketing.

Roll call on Senate Bill No. 82:

YEAS—21.

NAYS—None.

Senate Bill No. 82 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 361.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1083.

SUMMARY—Provides for the ~~[prescribing, ordering and]~~ dispensing of ~~[contraceptive supplies by pharmacists.]~~ self-administered hormonal contraceptives to any patient. (BDR 54-921)

AN ACT relating to health care; authorizing a pharmacist to ~~[prescribe or order and]~~ dispense ~~[contraceptive supplies]~~ self-administered hormonal contraceptives to ~~[a]~~ any patient; requiring the Chief Medical Officer to issue a standing order authorizing a pharmacist to dispense self-administered hormonal contraceptives to any patient; requiring the State Plan for Medicaid and certain health insurance plans to provide certain benefits relating to ~~[contraceptive supplies;]~~ self-administered hormonal contraceptives; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a pharmacist to dispense up to a 12-month supply or an amount equivalent to the balance of the plan year, whichever is less, of contraceptives or their therapeutic equivalent pursuant to a valid prescription or order if certain conditions are met. (NRS 639.28075) ~~[Section 4 of this bill authorizes a pharmacist to prescribe or order and to dispense contraceptives or their therapeutic equivalent and certain contraceptive devices to a patient and establishes the procedures the pharmacist must follow to do so. Specifically, section 4 requires such a pharmacist to: (1) complete a program related to prescribing or ordering contraceptive supplies; (2) provide a self-screening risk assessment tool that the patient must complete before the pharmacist prescribes or orders any contraceptive supplies; (3) advise the patient to consult with the primary care provider of the patient upon prescribing or ordering and dispensing the contraceptive supplies or to consult a provider of health care if the patient does not have a primary care provider; (4) provide the patient with a written record of the contraceptive supplies prescribed or ordered and dispensed; and (5) dispense the contraceptive supplies as soon as practicable after the pharmacist issues the prescription or order. Section 4 prohibits such a pharmacist from requiring a patient to schedule an appointment with the pharmacist for the prescribing or ordering or the dispensing of contraceptive supplies. Section 10 of this bill makes conforming changes.]~~ Section 11.5 of this bill requires: (1) the Chief Medical Officer or his or her designee to issue a standing order to allow a pharmacist to dispense a self-administered hormonal contraceptive to any patient; and (2) the State Board of Health, in consultation with the Chief Medical Officer, to prescribe by regulation a protocol for dispensing a self-administered hormonal contraceptive. Section 4.5 of this bill authorizes a pharmacist to dispense a self-administered hormonal contraceptive under that standing order and establishes the procedures the pharmacist must follow to dispense such a contraceptive. Specifically, section 4.5 requires such a pharmacist to: (1) complete a program of training on dispensing such contraceptives; (2) provide a risk assessment questionnaire prescribed by the State Board of Health pursuant to section 11.5 upon the request of the patient before the pharmacist dispenses the self-administered hormonal contraceptive; (3) create

a record concerning the dispensing of the self-administered hormonal contraceptive; (4) provide the patient with a record of the self-administered hormonal contraceptive dispensed and certain additional information; and (5) comply with the regulations adopted pursuant to section 11.5 and any guidelines recommended by the manufacturer. Section 4.5 additionally requires a pharmacist to provide a patient with a record of a request for a self-administered hormonal contraceptive, regardless of whether the contraceptive is dispensed. Sections 4.5 and 11.5 require the State Board of Pharmacy and the Division of Public and Behavioral Health of the Department of Health and Human Services to post on an Internet website a list of pharmacies that dispense self-administered hormonal contraceptives under the standing order.

Existing law defines the term "practice of pharmacy." (NRS 639.0124) Section 6 of this bill provides that the practice of pharmacy includes the ~~[prescribing or ordering and the]~~ dispensing of ~~[contraceptive supplies]~~ self-administered hormonal contraceptives by a pharmacist in accordance with section ~~[4.]~~ 4.5.

Existing law sets forth the procedures for renewing a certificate as a registered pharmacist. (NRS 639.180) Existing law further requires an applicant for the renewal of his or her certificate as a registered pharmacist to complete a certain number of continuing education units. (NRS 639.2174) Sections 7 and 9 of this bill require a pharmacist who ~~[prescribes or orders and]~~ dispenses ~~[contraceptive supplies]~~ self-administered hormonal contraceptives in accordance with section ~~[4]~~ 4.5 to complete, once every 3 years, a program related to ~~[prescribing or ordering contraceptive supplies]~~ dispensing self-administered hormonal contraceptives before his or her registration as a pharmacist may be renewed.

Existing law authorizes the State Board of Pharmacy to suspend or revoke any certificate to practice as a registered pharmacist if the holder of or applicant for such a certificate commits certain acts. (NRS 639.210) Section 8 of this bill authorizes the Board to suspend or revoke any certificate to practice as a registered pharmacist if the holder or applicant has ~~[prescribed or ordered or]~~ dispensed ~~[contraceptive supplies]~~ self-administered hormonal contraceptives under the standing order issued pursuant to section 11.5 without complying with the provisions of section ~~[4.]~~ 4.5.

Existing law requires the State Plan for Medicaid to pay the nonfederal share of expenditures incurred for certain contraceptive drugs and devices, including: (1) up to a 12-month supply of contraceptives; and (2) certain devices for contraception. (NRS 422.27172) Section 11 of this bill requires the State Plan for Medicaid to pay the nonfederal share of expenditures incurred for ~~[contraceptive supplies prescribed or ordered and]~~ self-administered hormonal contraceptives dispensed by a pharmacist in accordance with section ~~[4.]~~ 4.5.

Existing law requires certain contraceptive drugs and devices to be covered by a health insurance plan, including: (1) up to a 12-month supply of

contraceptives; and (2) certain devices for contraception. (NRS 287.010, 287.04335, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Sections 12-18 of this bill require health insurance plans to cover ~~[contraceptive supplies prescribed or ordered and]~~ self-administered hormonal contraceptives dispensed by a pharmacist in accordance with section ~~[4.]~~ 4.5.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2, 3 and 4]~~ 2 to 4.5, inclusive, of this act.

Sec. 2. ~~[*"Contraceptive supplies" means any of the following that may be self-administered by a patient:*~~

~~*1. A drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration; and*~~

~~*2. Any type of device for contraception which has been approved by the Food and Drug Administration]*~~ (Deleted by amendment.)

Sec. 2.5. *"Self-administered hormonal contraceptive" means a self-administered contraceptive that utilizes a hormone and is approved for use by the United States Food and Drug Administration to prevent pregnancy. The term includes, without limitation, an oral contraceptive, a vaginal contraceptive ring, a contraceptive patch and any other method of hormonal contraceptive identified by the standing order issued by the Chief Medical Officer or his or her designee pursuant to section 11.5 of this act.*

Sec. 3. ~~[*"Therapeutic equivalent" means a drug which:*~~

~~*1. Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;*~~

~~*2. Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and*~~

~~*3. Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.]*~~ (Deleted by amendment.)

Sec. 4. ~~[*1. A pharmacist may prescribe or order and dispense in accordance with NRS 639.28075, if applicable, contraceptive supplies to a patient regardless of whether the patient has evidence of a previous prescription or order for contraceptive supplies from:*~~

~~*(a) A physician who holds a license to practice his or her profession in this State;*~~

~~*(b) An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;*~~

~~*(c) A physician assistant who is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as a required by chapter 630 of NRS or an osteopathic physician as required by chapter 633 of NRS; or*~~

~~*(d) A provider of health care who has been authorized to prescribe controlled substances, poisons, dangerous drugs or devices.*~~

~~2. A pharmacist who prescribes or orders and dispenses contraceptive supplies pursuant to subsection 1 shall:~~

~~(a) Complete a program related to prescribing or ordering contraceptive supplies that is:~~

~~(1) Accredited by the Accreditation Council for Pharmacy Education or its successor organization; and~~

~~(2) Approved by the Board.~~

~~(b) Provide a self screening risk assessment tool that the patient must complete before the pharmacist prescribes or orders any contraceptive supplies. Such a self screening risk assessment tool must be based on the current version of the United States Medical Eligibility Criteria for Contraceptive Use developed by the federal Centers for Disease Control and Prevention of the United States Department of Health and Human Services.~~

~~(c) Advise the patient to consult with the primary care provider of the patient upon prescribing or ordering and dispensing the contraceptive supplies. If the patient does not have a primary care provider, the pharmacist shall advise the patient to consult:~~

~~(1) A physician who holds a license to practice his or her profession in this State;~~

~~(2) An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs or devices;~~

~~(3) A physician assistant who is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as a required by chapter 630 of NRS or an osteopathic physician as required by chapter 633 of NRS; or~~

~~(4) A provider of health care who has been authorized to prescribe controlled substances, poisons, dangerous drugs or devices.~~

~~(d) Provide the patient with a written record of the contraceptive supplies prescribed or ordered and dispensed and advise the patient to consult with the primary care provider of the patient or a provider of health care of the patient's choice.~~

~~(e) Dispense the contraceptive supplies to the patient as soon as practicable after the pharmacist issues the prescription or order.~~

~~3. A pharmacist who prescribes or orders and dispenses contraceptive supplies pursuant to subsection 1 shall not require a patient to schedule an appointment with the pharmacist for the prescribing or ordering or the dispensing of contraceptive supplies.~~

~~4. As used in this section:~~

~~(a) "Primary care provider" means a provider of health care who provides or has provided care to the patient.~~

~~(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.~~] (Deleted by amendment.)

Sec. 4.5. *1. A pharmacist may dispense a self-administered hormonal contraceptive under the standing order issued pursuant to section 11.5 of this*

act to a patient, regardless of whether the patient has obtained a prescription from:

(a) A physician who holds a license to practice his or her profession in this State;

(b) An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

(c) A physician assistant who is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS or an osteopathic physician as required by chapter 633 of NRS; or

(d) A provider of health care who has been authorized to prescribe controlled substances, poisons, dangerous drugs or devices.

2. A pharmacist who dispenses self-administered hormonal contraceptives under the standing order shall complete a program related to dispensing self-administered hormonal contraceptives that is:

(a) Accredited by the Accreditation Council for Pharmacy Education or its successor organization; and

(b) Approved by the Board.

3. A pharmacist shall provide the risk assessment questionnaire prescribed by the State Board of Health pursuant to section 11.5 of this act to a patient who requests the questionnaire before dispensing a self-administered hormonal contraceptive to the patient. If such a questionnaire is provided and the results of the questionnaire indicate that it is unsafe to dispense the self-administered hormonal contraceptive to the patient, the pharmacist:

(a) Must not dispense the self-administered hormonal contraceptive; and

(b) Must refer the patient to a primary care provider or other qualified provider of health care.

4. A pharmacist who dispenses a self-administered hormonal contraceptive under the standing order shall:

(a) Create a record concerning the dispensing of the self-administered hormonal contraceptive which includes, without limitation, the name of the patient to whom the self-administered hormonal contraceptive was dispensed, the type of self-administered hormonal contraceptive dispensed and any other relevant information required by the protocol prescribed pursuant to section 11.5 of this act. The pharmacist or his or her employer shall maintain the record for the amount of time prescribed in that protocol.

(b) Inform the patient to whom the self-administered hormonal contraceptive is dispensed concerning:

(1) Proper administration and storage of the self-administered hormonal contraceptive;

(2) Potential side effects of the self-administered hormonal contraceptive; and

(3) The need to use other methods of contraception, if appropriate.

(c) Provide to the patient to whom the self-administered hormonal contraceptive is dispensed:

(1) The written record required by subsection 5; and

(2) Any written information required by the regulations adopted pursuant to section 11.5 of this act.

(d) Comply with the regulations adopted pursuant to section 11.5 of this act and any guidelines for dispensing the self-administered hormonal contraceptive recommended by the manufacturer.

5. A pharmacist shall provide to any patient who requests a self-administered hormonal contraceptive under the standing order, regardless of whether the self-administered hormonal contraceptive is dispensed, a written record of the request. The record must include, without limitation:

(a) A copy of the risk assessment questionnaire if completed pursuant to subsection 3; and

(b) A written record of the self-administered hormonal contraceptive requested and any self-administered hormonal contraceptive dispensed.

6. Any pharmacy that wishes to dispense self-administered hormonal contraceptives under the standing order must notify the Board of that fact. The Board shall post on an Internet website maintained by the Board a list of the names, addresses and contact information of pharmacies that have provided such notice.

7. As used in this section:

(a) "Primary care provider" means a provider of health care who provides or has provided care to the patient.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 5. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 639.0015 to 639.016, inclusive, *and* ~~*[sections 2 and 3]*~~ *section 2.5 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 639.0124 is hereby amended to read as follows:

639.0124 *1.* "Practice of pharmacy" includes, but is not limited to, the:

~~[1.]~~ *(a)* Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

~~[2.]~~ *(b)* Interpretation and evaluation of prescriptions or orders for medicine.

~~[3.]~~ *(c)* Participation in drug evaluation and drug research.

~~[4.]~~ *(d)* Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

~~[5.]~~ *(e)* Selection of the source, storage and distribution of a drug.

~~[6.]~~ *(f)* Maintenance of proper documentation of the source, storage and distribution of a drug.

~~[7.]~~ *(g)* Interpretation of clinical data contained in a person's record of medication.

~~[8.]~~ *(h)* Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care and which authorize collaborative drug therapy management. The written guidelines and protocols must comply with NRS 639.2809.

~~[9.]~~ *(i)* Implementation and modification of drug therapy, administering drugs and ordering and performing tests in accordance with a collaborative practice agreement.

(j) ~~*[Prescribing or ordering and the dispensing of contraceptive supplies pursuant to section 4 of this act.]*~~ *Dispensing a self-administered hormonal contraceptive pursuant to section 4.5 of this act.*

~~[2.~~] *2.* The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583 ~~[.]~~ *and section* ~~*[4]*~~ *4.5 of this act.*

Sec. 7. NRS 639.180 is hereby amended to read as follows:

639.180 1. Except as otherwise provided in this subsection, a certificate, license or permit issued by the Board pursuant to this chapter expires on October 31 of each even-numbered year. A certificate of registration as a pharmacist expires on October 31 of each odd-numbered year.

2. Except as otherwise provided by NRS 639.137, 639.230 and 639.2328, each person to whom a certificate, license or permit has been issued may, if the certificate, license or permit has not been revoked, renew the certificate, license or permit biennially by:

(a) Filing an application for renewal;

(b) Paying the fee for renewal;

(c) Complying with the requirement of continuing professional education, if applicable;

(d) *If the person is a pharmacist who* ~~*[prescribes or orders and dispenses contraceptive supplies pursuant to section 4 of this act,]*~~ *dispenses self-administered hormonal contraceptives pursuant to section 4.5 of this act, submitting proof to the Board that, during the immediately preceding 3 years, the person successfully completed a program related to* ~~*[prescribing or ordering contraceptive supplies]*~~ *dispensing self-administered hormonal contraceptives that is accredited by the Accreditation Council for Pharmacy Education or its successor organization and approved by the Board;*

(e) If applicable, filing with the Board satisfactory evidence that his or her surety bond or other security required by NRS 639.515 is in full force; and

~~[(e)]~~ *(f)* Submitting all information required to complete the renewal.

3. The application for renewal, together with the fee for renewal, all required information and the evidence of compliance with NRS 639.515 must

be delivered to the Executive Secretary of the Board on or before the expiration date of the certificate, license or permit, or the current renewal receipt thereof.

4. If a certificate, license or permit is renewed, it must be delivered to the applicant within a reasonable time after receipt of the application for renewal and the fee for renewal.

5. The Board may refuse to renew a certificate, license or permit if the applicant has committed any act proscribed by NRS 639.210.

6. If the application for renewal, the fee for renewal, all required information and the evidence of compliance with NRS 639.515 are not postmarked on or before the expiration date of the certificate, license or permit, or the current renewal receipt thereof, the registration is automatically forfeited.

Sec. 8. NRS 639.210 is hereby amended to read as follows:

639.210 The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

5. Is addicted to the use of any controlled substance;

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;

7. Has been convicted of:

(a) A felony relating to holding a certificate, license, registration or permit pursuant to this chapter;

(b) A felony pursuant to NRS 639.550 or 639.555; or

(c) Other crime involving moral turpitude, dishonesty or corruption;

8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;

10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;

11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;

12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or

regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

13. Has failed to renew a certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

14. Has had a certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;

15. Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he or she presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his or her supervision;

16. Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him or her;

17. Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS;

18. Has failed to file or maintain a bond or other security if required by NRS 639.515; ~~[or]~~

19. *Has ~~[prescribed or ordered or]~~ dispensed ~~[contraceptive supplies]~~ self-administered hormonal contraceptives under the standing order issued pursuant to section 11.5 of this act without complying with section ~~[4]~~ 4.5 of this act; or*

20. Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 9. NRS 639.2174 is hereby amended to read as follows:

639.2174 The Board shall not renew the certificate of any registered pharmacist until the applicant has submitted proof to the Board of ~~[the]~~ *:*

1. The receipt of the required number of continuing education units, obtained through the satisfactory completion of an accredited program of continuing professional education during the period for which the certificate was issued ~~[.]~~ *; and*

2. If the person is a pharmacist who ~~[prescribes or orders and dispenses contraceptive supplies pursuant to section 4 of this act,]~~ dispenses self-administered hormonal contraceptives pursuant to section 4.5 of this act, the successful completion, within the immediately preceding 3 years, of a

program related to ~~[prescribing or ordering contraceptive supplies]~~ dispensing self-administered hormonal contraceptives that is accredited by the Accreditation Council for Pharmacy Education or its successor organization and approved by the Board.

Sec. 10. ~~[NRS 639.28075 is hereby amended to read as follows:~~

~~639.28075 1. Except as otherwise provided in subsections 2 and 3, pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration, a pharmacist shall:~~

~~(a) The first time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 3-month supply of the drug or therapeutic equivalent.~~

~~(b) The second time dispensing the drug or therapeutic equivalent to the patient, dispense up to a 9-month supply of the drug or therapeutic equivalent, or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.~~

~~(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense up to a 12-month supply of the drug or therapeutic equivalent or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.~~

~~2. The provisions of paragraphs (b) and (c) of subsection 1 only apply if:~~

~~(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and~~

~~(b) The patient is covered by the same health care plan.~~

~~3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.~~

~~4. As used in this section:~~

~~(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.~~

~~(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.~~

~~[(c) "Therapeutic equivalent" means a drug which:~~

~~(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;~~

~~(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and~~

~~(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.]]~~ (Deleted by amendment.)

Sec. 11. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) ~~*[Contraceptive supplies prescribed or ordered and]*~~ *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section ~~[4]~~ 4.5 of this act;*

(d) Insertion or removal of a device for contraception;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

(a) Pay a higher deductible, any copayment or coinsurance; or

(b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 11.5. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief Medical Officer or his or her designee shall issue a standing order to allow a pharmacist to dispense a self-administered hormonal contraceptive to any patient pursuant to section 4.5 of this act.

2. In consultation with the Chief Medical Officer, the State Board of Health shall prescribe by regulation a protocol for dispensing a self-administered hormonal contraceptive. The protocol must include, without limitation:

(a) Any information that must be included in a record concerning the dispensing of the self-administered hormonal contraceptive in addition to the information required by section 4.5 of this act; and

(b) The amount of time that such a record must be maintained by the dispensing pharmacist or his or her employer.

3. In consultation with the State Board of Pharmacy, the State Board of Health shall adopt regulations that prescribe:

(a) A risk assessment questionnaire that may be administered upon request to a patient who requests a self-administered hormonal contraceptive pursuant to section 4.5 of this act.

(b) Information that must be provided in writing to a patient to whom a self-administered hormonal contraceptive is dispensed pursuant to section 4.5 of this act, which may include, without limitation, information concerning:

(1) The importance of obtaining recommended tests and screening from a primary care provider or qualified provider of health care who specializes in women's health;

(2) The effectiveness of long-acting reversible contraceptives as an alternative to self-administered hormonal contraceptives;

(3) When to seek emergency medical services as a result of administering a self-administered hormonal contraceptive; and

(4) The risk of contracting a sexually transmitted infection and ways to reduce that risk.

4. The Division shall provide on an Internet website maintained by the Division an electronic link to the list of pharmacies maintained by the State Board of Pharmacy pursuant to section 4.5 of this act.

5. As used in this section:

(a) "Primary care provider" means a provider of health care who provides or has provided care to the patient.

(b) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(c) "Self-administered hormonal contraceptive" has the meaning ascribed to it in section 2.5 of this act.

Sec. 12. NRS 689A.0418 is hereby amended to read as follows:

689A.0418 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) ~~*[Contraceptive supplies prescribed or ordered and]*~~ *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section* ~~*[4]*~~ *4.5 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 8, 9 and 11, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

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

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. NRS 689B.0378 is hereby amended to read as follows:

689B.0378 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) ~~*[Contraceptive supplies prescribed or ordered and]*~~ *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section* ~~*[4]*~~ *4.5 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

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

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 14. NRS 689C.1676 is hereby amended to read as follows:

689C.1676 1. Except as otherwise provided in subsection 7, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) ~~*[Contraceptive supplies prescribed or ordered and]*~~ *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section* ~~*[4]*~~ *4.5 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

4. Except as otherwise provided in subsections 8, 9 and 11, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the

coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

8. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;
(b) Surgical sterilization implants for women;
(c) Implantable rods;
(d) Copper-based intrauterine devices;
(e) Progesterone-based intrauterine devices;
(f) Injections;
(g) Combined estrogen- and progestin-based drugs;
(h) Progestin-based drugs;
(i) Extended- or continuous-regimen drugs;
(j) Estrogen- and progestin-based patches;
(k) Vaginal contraceptive rings;
(l) Diaphragms with spermicide;
(m) Sponges with spermicide;
(n) Cervical caps with spermicide;
(o) Female condoms;
(p) Spermicide;
(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A carrier shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

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

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

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 15. NRS 695A.1865 is hereby amended to read as follows:

695A.1865 1. Except as otherwise provided in subsection 7, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) ~~*[Contraceptive supplies prescribed or ordered and]*~~ *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section* ~~*[4]*~~ *4.5 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

4. Except as otherwise provided in subsections 8, 9 and 11, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

8. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A society shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

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

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 16. NRS 695B.1919 is hereby amended to read as follows:

695B.1919 1. Except as otherwise provided in subsection 7, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) ~~*[Contraceptive supplies prescribed or ordered and]*~~ *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section ~~[4]~~ 4.5 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. An insurer that offers or issues a contract for hospital or medical services must ensure that the benefits required by subsection 1 are made

available to an insured through a provider of health care who participates in the network plan of the insurer.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

4. Except as otherwise provided in subsections 9, 10 and 12, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

7. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

8. If an insurer refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. An insurer shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

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

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 17. NRS 695C.1696 is hereby amended to read as follows:

695C.1696 1. Except as otherwise provided in subsection 7, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 11;

(c) ~~*[Contraceptive supplies prescribed or ordered and]*~~ *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section ~~[4]~~ 4.5 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider

of health care who participates in the network plan of the health maintenance organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

4. Except as otherwise provided in subsections 9, 10 and 12, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

5. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

8. If a health maintenance organization refuses, pursuant to subsection 7, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

9. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

10. For each of the 18 methods of contraception listed in subsection 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception.

11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

12. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

13. A health maintenance organization shall not use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care.

14. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

15. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use.

The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 18. NRS 695G.1715 is hereby amended to read as follows:

695G.1715 1. Except as otherwise provided in subsection 7, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection 10; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection 10;

(c) ~~*[Contraceptive supplies prescribed or ordered and]*~~ *Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to section ~~[4]~~ 4.5 of this act;*

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

~~[(d)]~~ *(e)* Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

~~[(e)]~~ *(f)* Management of side effects relating to contraception; and

~~[(f)]~~ *(g)* Voluntary sterilization for women.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

4. Except as otherwise provided in subsections 8, 9 and 11, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

5. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

6. Except as otherwise provided in subsection 7, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2018, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

7. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

8. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

9. For each of the 18 methods of contraception listed in subsection 10 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible,

copayment or coinsurance for any other drug or device that provides the same method of contraception.

10. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

(b) Surgical sterilization implants for women;

(c) Implantable rods;

(d) Copper-based intrauterine devices;

(e) Progesterone-based intrauterine devices;

(f) Injections;

(g) Combined estrogen- and progestin-based drugs;

(h) Progestin-based drugs;

(i) Extended- or continuous-regimen drugs;

(j) Estrogen- and progestin-based patches;

(k) Vaginal contraceptive rings;

(l) Diaphragms with spermicide;

(m) Sponges with spermicide;

(n) Cervical caps with spermicide;

(o) Female condoms;

(p) Spermicide;

(q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and

(r) Ulipristal acetate for emergency contraception.

11. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

12. A managed care organization shall not use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care.

13. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

14. As used in this section:

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

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including

items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(d) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 19. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 20. 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 Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1083 to Senate Bill No. 361 removes provisions relating to the ability of pharmacists to prescribe self-administered hormonal contraceptives. Additionally, the amendment adds a mandate for the Chief Medical Officer to issue a standing prescription drug order authorizing the dispensing of self-administered hormonal contraceptives in accordance with a protocol; authorizes a pharmacist to dispense a self-administered hormonal contraceptive under that standing order, and makes completion of the risk assessment by the patient voluntary.

Amendment adopted.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 361 authorizes a licensed pharmacist to dispense a self-administered hormonal contraceptive pursuant to a standing prescription drug order issued by the Chief Medical Officer, without any additional prescription drug order and in accordance with dispensing guidelines. The measure requires a licensed pharmacist to provide a self-screening risk assessment questionnaire, if requested by the patient, when dispensing a self-administered hormonal contraceptive and may not dispense a self-administered hormonal contraceptive if the results of the self-assessment indicate it may be unsafe to do so. Senate Bill No. 361 requires the Board of Health, in collaboration with the Board of Pharmacy, to design the self-screening risk assessment and any written materials to be provided to patients receiving self-administered hormonal contraceptives.

Roll call on Senate Bill No. 361:

YEAS—21.

NAYS—None.

Senate Bill No. 361 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 467.

Bill read third time.

The following amendment was proposed by Senator Woodhouse:

Amendment No. 1099.

SUMMARY—Revises provisions relating to education. (BDR S-820)

AN ACT relating to education; extending the duration of the Zoom schools program; extending the duration of the Victory schools program; revising provisions relating to the Office of the Superintendent of Public Instruction; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 77th Session of the Nevada Legislature, the Legislature appropriated money for the Clark County School District and the Washoe County School District to carry out a program of Zoom elementary schools during the 2013-2015 biennium to provide a comprehensive package of programs and services for children who are limited English proficient (now referred to as English learners) or eligible for such a designation. The other school districts and the State Public Charter School Authority were also authorized to apply for a grant of money from the appropriation to provide programs and services to children who were limited English proficient or eligible for such a designation. (Section 16.2 of chapter 515, Statutes of Nevada 2013, p. 3418)

The 78th Session of the Nevada Legislature continued and expanded the Zoom schools program to middle schools, junior high schools and high schools in the Clark County School District and the Washoe County School District for the 2015-2017 biennium through the enactment of Senate Bill No. 405. (Chapter 335, Statutes of Nevada 2015, p. 1869) S.B. 405 (2015) also provided certain additional requirements for the program. Section 1 of this bill mirrors the provisions of S.B. 390 (2017) and extends the Zoom schools program for the 2019-2021 biennium. Section 1 requires the elementary schools, middle schools, junior high schools and high schools that were identified to operate as Zoom schools for the 2017-2019 biennium to continue to operate as Zoom schools for the 2019-2021 biennium.

During the 78th Session of the Nevada Legislature (2015), the Legislature passed the Victory Schools Act, which provided for the distribution of money during the 2015-2017 biennium to certain underperforming public schools designated as Victory schools. (Chapter 389, Statutes of Nevada 2015, p. 2197) During the 79th Session of the Nevada Legislature (2017), the Legislature continued the program in effect for the 2017-2019 biennium. (Chapter 344, Statutes of Nevada 2017, p. 2149) Section 2 of this bill continues the Victory Schools program for the 2019-2021 biennium.

Section 3.5 of this bill makes an appropriation to the Interim Finance Committee for allocation to the Department of Education for the costs of desktop monitoring and school improvement computer software tools and related implementation costs for personnel, professional development and travel.

Section 3.7 of this bill makes a salary adjustment to a new position within the Office of the Superintendent of Public Instruction.

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

Section 1. 1. The elementary schools identified to operate as Zoom elementary schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District for the 2017-2019 biennium shall continue to operate as Zoom elementary schools for the 2019-2021 biennium.

2. Except as otherwise provided in subsection 3, the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District shall distribute the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 for each Zoom elementary school of those school districts to:

(a) Provide prekindergarten programs free of charge;

(b) Operate reading skills centers;

(c) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for children who are English learners;

(d) Offer recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(e) Engage and involve parents and families of children who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children; and

(f) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy or provide for an extended school day.

3. A Zoom elementary school that receives money pursuant to subsection 2 shall offer each of the programs and services prescribed in paragraphs (a) and (b) of that subsection, and one of the programs prescribed in paragraph (f) of that subsection, so the Zoom elementary school may offer a comprehensive package of programs and services for pupils who are English learners. A Zoom elementary school:

(a) Shall not use the money for any other purpose or use more than 5 percent of the money for the purposes described in paragraphs (c), (d) and (e) of subsection 2; and

(b) May only use the money for the purposes described in paragraphs (c), (d) and (e) of subsection 2 if the board of trustees of the school district determines that such a use will not negatively impact the services provided to pupils enrolled in a Zoom elementary school.

4. A reading skills center operated by a Zoom elementary school must provide:

(a) Support at the Zoom elementary school in the assessment of reading and literacy problems and language acquisition barriers for pupils;

(b) Instructional intervention to enable pupils to overcome such problems and barriers by the completion of grade 3; and

(c) Instructional intervention to enable pupils enrolled in grade 4 or 5 who were not able to overcome such problems and barriers by the completion of grade 3 to overcome them as soon as practicable.

5. The middle schools, junior high schools or high schools identified to operate as Zoom middle schools, junior high schools or high schools by the Board of Trustees of the Clark County School District and the Board of Trustees of the Washoe County School District for the 2017-2019 biennium shall continue to operate as Zoom middle schools, junior high schools and high schools, as applicable, for the 2019-2021 biennium.

6. The Clark County School District and the Washoe County School District shall distribute the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for each Zoom middle school, junior high school and high school of those school districts to carry out one or more of the following:

(a) Reduce class sizes for pupils who are English learners and provide English language literacy based classes;

(b) Provide direct instructional intervention to each pupil who is an English learner using the data available from applicable assessments of that pupil;

(c) Provide professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners;

(d) Offer recruitment and retention incentives for teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12;

(e) Engage and involve parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils;

(f) Provide other evidence-based programs and services that are approved by the Department of Education and that are designed to meet the specific needs of pupils enrolled in the school who are English learners;

(g) Provide, free of charge, a summer academy or an intersession academy for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy; and

(h) Provide for an extended school day.

➥ The Clark County School District and the Washoe County School District shall not use more than 5 percent of the money for the purposes described in

paragraphs (c), (d) and (e) and may only use the money for the purposes described in paragraphs (c), (d) and (e) if the board of trustees of the school district determines that such use will not negatively impact the services provided to pupils enrolled in a Zoom middle school, junior high school or high school.

7. On or before August 1, 2019, the Clark County School District and the Washoe County School District shall each provide a report to the Department of Education which includes:

(a) The names of the elementary schools operating as Zoom schools pursuant to subsection 1 and the plan of each such school for carrying out the programs and services prescribed by paragraphs (a) to (f), inclusive, of subsection 2;

(b) The names of the middle schools, junior high schools and high schools operating as Zoom schools pursuant to subsection 5 and the plan of each school for carrying out the programs and services described in paragraphs (a) to (h), inclusive, of subsection 6; and

(c) Evidence of the progress of pupils at each Zoom school, as measured by common standards and assessments, including, without limitation, interim assessments identified by the State Board of Education, if the State Board has identified such assessments.

8. From the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools or charter schools or school districts other than the Clark County School District or Washoe County School District, the Department of Education shall provide grants of money to the sponsors of such charter schools and the school districts. The sponsor of such a charter school and the board of trustees of such a school district may submit an application to the Department on a form prescribed by the Department that includes, without limitation:

(a) The number of pupils in the school district or charter school, as applicable, who are English learners or eligible for designation as English learners; and

(b) A description of the programs and services the school district or charter school, as applicable, will provide with a grant of money, which may include, without limitation:

(1) The creation or expansion of high-quality, developmentally appropriate prekindergarten programs, free of charge, that will increase enrollment of children who are English learners;

(2) The acquisition and implementation of empirically proven assessment tools to determine the reading level of pupils who are English learners and technology-based tools, such as software, designed to support the learning of pupils who are English learners;

(3) Professional development for teachers and other educational personnel regarding effective instructional practices and strategies for children who are English learners;

(4) The provision of programs and services for pupils who are English learners, free of charge, before and after school, during the summer or intersession for those schools that do not operate on a traditional school calendar, including, without limitation, the provision of transportation to attend the summer academy or intersession academy;

(5) Engaging and involving parents and families of children who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those children;

(6) Offering recruitment and retention incentives for the teachers and other licensed educational personnel who provide any of the programs and services set forth in this subsection from the list of incentives prescribed by the State Board of Education pursuant to subsection 12; and

(7) Provide other evidence-based programs and services that are approved by the Department and that are designed to meet the specific needs of pupils enrolled in the school who are English learners.

9. The Department of Education shall award grants of money to school districts and the sponsors of charter schools that submit applications pursuant to subsection 8 based upon the number of pupils enrolled in each such school district or charter school, as applicable, who are English learners or eligible for designation as English learners, and not on a competitive basis.

10. A school district and a sponsor of a charter school that receives a grant of money pursuant to subsection 8:

(a) Shall not use more than 5 percent of the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8 and may only use the money for the purposes described in subparagraphs (3), (5) and (6) of paragraph (b) of subsection 8 if the board of trustees of the school district or the governing body of the charter school, as applicable, determines that such a use would not negatively impact the services provided to pupils enrolled in the school.

(b) Shall provide a report to the Department of Education in the form prescribed by the Department with the information required for the Department's report pursuant to subsection 15.

11. On or before August 17, 2019, the Department of Education shall submit a report to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee which includes:

(a) The information reported by the Clark County School District and the Washoe County School District pursuant to subsection 7; and

(b) The school districts and charter schools for which a grant of money is approved pursuant to subsection 9 and the plan of each such school district and charter school for carrying out programs and services with the grant money, including, without limitation, any programs and services described in subparagraphs (1) to (7), inclusive, of paragraph (b) of subsection 8.

12. The State Board of Education shall prescribe:

(a) A list of recruitment and retention incentives for the school districts and the sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel pursuant to paragraph (d) of subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8; and

(b) Criteria and procedures to notify a school district or a charter school that receives money pursuant to this section if the school district or charter school is not implementing the programs and services for which the money was received in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board pursuant to subsection 13, including, without limitation, a plan of corrective action for the school district or charter school to follow to meet the requirements of this section or the performance levels.

13. The State Board of Education shall prescribe statewide performance levels and outcome indicators to measure the effectiveness of the programs and services for which money is received by the school districts and charter schools pursuant to this section. The performance levels must establish minimum expected levels of performance on a yearly basis based upon the performance results of children who participate in the programs and services. The outcome indicators must be designed to track short-term and long-term impacts on the progress of children who participate in the programs and services, including, without limitation:

(a) The number of children who participated;

(b) The extent to which the children who participated improved their English language proficiency and literacy levels compared to other children who are English learners or eligible for such a designation who did not participate in the programs and services; and

(c) To the extent that a valid comparison may be established, a comparison of the academic achievement and growth in the subject areas of English language arts and mathematics of children who participated in the programs and services to other children who are English learners or eligible for such a designation who did not participate in the programs and services.

14. The Department of Education shall contract for an independent evaluation of the effectiveness of the programs and services offered by each Zoom elementary school pursuant to subsection 2, each Zoom middle school, junior high school and high school pursuant to subsection 6 and the programs and services offered by the other school districts and the charter schools pursuant to subsection 8.

15. The Clark County School District, the Washoe County School District and the Department of Education shall each prepare an annual report that includes, without limitation:

(a) An identification of the schools that received money from the School District or a grant of money from the Department, as applicable.

(b) How much money each such school received.

(c) A description of the programs or services for which the money was used by each such school.

(d) The number of children who participated in a program or received services.

(e) The average per-child expenditure per program or service that was funded.

(f) For the report prepared by the School Districts, an evaluation of the effectiveness of such programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in the programs or received services.

(g) Any recommendations for legislation, including, without limitation:

(1) For the continuation or expansion of programs and services that are identified as effective in improving the academic and linguistic achievement and proficiency of children who are English learners.

(2) A plan for transitioning the funding for providing the programs and services set forth in this section to pupils who are English learners from categorical funding to a weighted per pupil formula within the Nevada Plan.

(h) For the report prepared by the Department, in addition to the information reported for paragraphs (a) to (e), inclusive, and paragraph (g):

(1) The results of the independent evaluation required by subsection 14 of the effectiveness of the programs and services, including, without limitation, data regarding the academic and linguistic achievement and proficiency of children who participated in a program or received a service;

(2) Whether a school district or charter school was notified that it was not implementing the programs and services for which it received money pursuant to this section in accordance with the applicable requirements of this section or in accordance with the performance levels prescribed by the State Board of Education pursuant to subsection 13 and the status of such a school district or charter school, if any, in complying with a plan for corrective action; and

(3) Whether each school district or charter school that received money pursuant to this section met the performance levels prescribed by the State Board of Education pursuant to subsection 13.

16. The annual report prepared by the Clark County School District and the Washoe County School District pursuant to subsection 15 must be submitted to the Department of Education on or before June 1, 2020, and January 16, 2021, respectively. The Department shall submit the information reported by those school districts and the information prepared by the Department pursuant to subsection 15:

(a) On or before June 15, 2020, to the State Board of Education and the Legislative Committee on Education.

(b) On or before February 1, 2021, to the State Board of Education and the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature.

17. The Department of Education may require a Zoom school or other public school that receives money pursuant to this section to provide a report to the Department on:

(a) The number of vacancies, if any, in full-time licensed educational personnel at the school;

(b) The number of probationary employees, if any, employed at the school;

(c) The number, if any, of persons who are employed at the school as substitute teachers for 20 consecutive days or more in the same classroom or assignment and designated as long-term substitute teachers; and

(d) Any other information relating to the personnel at the school as requested by the Department.

18. The money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools must be accounted for separately from any other money received by school districts or charter schools of this State and used only for the purposes specified in this section.

19. Except as otherwise provided in paragraph (d) of subsection 2, paragraph (d) of subsection 6 and subparagraph (6) of paragraph (b) of subsection 8, the money appropriated by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools:

(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

20. Upon request of the Legislative Commission, the Clark County School District and the Washoe County School District shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money distributed by the 2019 Legislature to the Account for Programs for Innovation and the Prevention of Remediation for Zoom schools.

21. As used in this section:

(a) "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) "Probationary employee" has the meaning ascribed to it in NRS 391.650.

Sec. 2. 1. The Department of Education shall, in consultation with the board of trustees of a school district, designate a public school as a Victory school if, relative to other public schools, including charter schools, that are located in the school district in which the school is also located:

(a) A high percentage of pupils enrolled in the school live in households that have household incomes that are less than the federally designated level signifying poverty, based on the most recent data compiled by the Bureau of the Census of the United States Department of Commerce; and

(b) The school received one of the two lowest possible ratings indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools, for the immediately preceding school year.

➥ The designation of a public school as a Victory school pursuant to this subsection must be made in consultation with the board of trustees of the school district in which the prospective Victory school is located.

2. The Department shall designate each Victory school for the 2019-2020 Fiscal Year on or before June 1, 2019.

3. The Department shall transfer money from the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 to each school district in which a Victory school is designated and each sponsor of a charter school that is designated as a Victory school on a per pupil basis. The amount distributed per pupil must be determined by dividing the amount of money appropriated to the Account by the 2019 Legislature for Victory schools by the total number of pupils who are enrolled in Victory schools statewide. After receiving money from the Account pursuant to this subsection:

(a) A school district shall distribute the money to each Victory school in the school district on a per pupil basis.

(b) A sponsor of a charter school shall distribute the money to each Victory school that it sponsors on a per pupil basis.

4. The board of trustees of each school district in which a Victory school is located and the governing body of each charter school that is designated as a Victory school shall, as soon as practicable after the school is designated as a Victory school, conduct an assessment of the needs of pupils that attend the school. The assessment must include soliciting input from the community served by the Victory school and identify any barriers to improving pupil achievement and school performance and strategies to meet the needs of pupils at the school.

5. Except as otherwise provided in subsection 7, on or before August 15, 2019, the board of trustees of each school district in which a Victory school is designated for the 2019-2020 Fiscal Year and the governing body of each charter school that is designated as a Victory school for the 2019-2020 Fiscal Year shall submit to the Department a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school. The board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall select at least one person who is familiar with the public schools in the school district or with the charter school, respectively, to assist with the development of the plan. The plan must:

(a) Include appropriate means to determine the effectiveness of the plan;

(b) Be based on the assessment of the needs of the pupils who attend the school conducted pursuant to subsection 4;

(c) Analyze available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and other pupil achievement data collected and maintained by the school district or charter school;

(d) Include a description of the criteria used to select entities to provide programs and services to pupils enrolled in the Victory school;

(e) Include a description of the manner in which the school district or governing body will collaborate with selected entities so that academic programs and services and nonacademic programs and services, including, without limitation, transportation services, may be offered without charge to support pupils and their families within the region in which the school is located;

(f) Take into account the number and types of pupils who attend the school and the locations where such pupils reside;

(g) Provide for the coordination of the existing or planned engagement of other persons who provide services in the region in which the school is located;

(h) Coordinate all funding available to each school that is subject to the plan;

(i) Provide for the coordination of all available resources to each school that is subject to the plan, including, without limitation, instructional materials and textbooks;

(j) Identify, for each school or group of schools subject to the plan, which of the measures described in subsection 8 will be implemented; and

(k) Identify the person or persons selected pursuant to this subsection who assisted with the development of the plan.

6. The Department shall review each plan submitted pursuant to subsection 5 to determine whether, or the extent to which, the plan complies with the requirements of this section and either approve or request revisions to the plan.

7. If the board of trustees of a school district in which a Victory school is designated or the governing body of a charter school that is designated as a Victory school does not submit a comprehensive plan for meeting the educational needs of pupils enrolled in each Victory school on or before August 15, 2019, as required pursuant to subsection 5, the board of trustees of the school district or the governing body of the charter school, as applicable, may submit to the Department a letter of intent to meet the educational needs of pupils enrolled in each Victory school. The letter must include, without limitation:

(a) An initial assessment of the needs of the pupils who attend the school which is conducted pursuant to subsection 4;

(b) An analysis of available data concerning pupil achievement and school performance, including, without limitation, data collected and maintained in the statewide system of accountability for public schools and data collected and maintained by the school district or charter school; and

(c) A summary of activities that the board of trustees or governing body, as applicable, will take to ensure completion of the comprehensive plan required pursuant to subsection 5 by not later than September 15, 2019.

8. A Victory school shall use the majority of the money distributed pursuant to subsection 3 to provide one or more of the following:

(a) A prekindergarten program free of charge, if such a program is not paid for by another grant.

(b) A summer academy or other instruction for pupils free of charge at times during the year when school is not in session.

(c) Additional instruction or other learning opportunities free of charge at times of day when school is not in session.

(d) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school.

(e) Incentives for hiring and retaining teachers and other licensed educational personnel who provide any of the programs or services set forth in this subsection from the list prescribed by the State Board of Education pursuant to subsection 14.

(f) Employment of paraprofessionals, other educational personnel and other persons who provide any of the programs or services set forth in this subsection.

(g) Reading skills centers.

(h) Integrated student supports, wrap-around services and evidence-based programs designed to meet the needs of pupils who attend the school, as determined using the assessment conducted pursuant to subsection 4.

9. A Victory school may use any money distributed pursuant to subsection 3 that is not used for the purposes described in subsection 8 to:

(a) Provide evidence-based social, psychological or health care services to pupils and their families;

(b) Provide programs and services designed to engage parents and families;

(c) Provide programs to improve school climate and culture;

(d) If the Victory school is a high school, provide additional instruction or other learning opportunities for pupils and professional development for teachers at an elementary school, middle school or junior high school that is located within the zone of attendance of the high school and is not also designated as a Victory school; or

(e) Any combination thereof.

10. A Victory school shall not use any money distributed pursuant to subsection 3 for a purpose not described in subsection 8 or 9.

11. Any programs offered at a Victory school pursuant to subsection 8 or 9 must:

(a) Except as otherwise provided in paragraph (d) of subsection 9, be designed to meet the needs of pupils at the school, as determined using the assessment conducted pursuant to subsection 4 and to improve pupil

achievement and school performance, as determined using the measures prescribed by the State Board of Education; and

(b) Be based on scientific research concerning effective practices to increase the achievement of pupils who live in poverty.

12. Each plan to improve the achievement of pupils enrolled in a Victory school that is prepared by the principal of the school pursuant to NRS 385A.650 must describe how the school will use the money distributed pursuant to subsection 3 to meet the needs of pupils who attend the school, as determined using the assessment described in subsection 4 and the requirements of this section.

13. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided pursuant to this section. The evaluation must include, without limitation, consideration of the achievement of pupils who have participated in such programs and received such services. When complete, the evaluation must be provided contemporaneously to the Department and the Legislative Committee on Education.

14. The State Board of Education shall prescribe a list of recruitment and retention incentives that are available to the school districts and sponsors of charter schools that receive a distribution of money pursuant to this section to offer to teachers and other licensed educational personnel.

15. The State Board shall require a Victory school to take corrective action if pupil achievement and school performance at the school are unsatisfactory, as determined by the State Board. If unsatisfactory pupil achievement and school performance continue, the State Board may direct the Department to withhold any additional money that would otherwise be distributed pursuant to this section.

16. On or before November 30, 2020, and November 30, 2021, the board of trustees of each school district in which a Victory school is designated and the governing body of each charter school that is designated as a Victory school shall submit to the Department and to the Legislative Committee on Education a report, which must include, without limitation:

(a) An identification of schools to which money was distributed pursuant to subsection 3 for the previous fiscal year;

(b) The amount of money distributed to each such school;

(c) A description of the programs or services for which the money was used;

(d) The number of pupils who participated in such programs or received such services;

(e) The average expenditure per pupil for each program or service that was funded; and

(f) Recommendations concerning the manner in which the average expenditure per pupil reported pursuant to paragraph (e) may be used to determine formulas for allocating money from the State Distributive School Account in the State General Fund.

17. The Legislative Committee on Education shall consider the evaluations of the independent evaluator received pursuant to subsection 13 and the reports received pursuant to subsection 16 and advise the State Board regarding any action the Committee determines appropriate for the State Board to take based upon that information. The Committee shall also make any recommendations it deems appropriate concerning Victory schools to the next regular session of the Legislature which may include, without limitation, recommendations for legislation.

18. The money distributed pursuant to subsection 3:

(a) Must be accounted for separately from any other money received by Victory schools and used only for the purposes specified in this section;

(b) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

19. Upon request of the Legislative Commission, a Victory school to which money is distributed pursuant to subsection 3 shall make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of such money.

20. As used in this section:

(a) "Community" includes any person or governmental entity who resides or has a significant presence in the geographic area in which a school is located or who interacts with pupils and personnel at a school, and may include, without limitation, parents, businesses, nonprofit organizations, faith-based organizations, community groups, teachers, administrators and governmental entities.

(b) "Integrated student supports" means supports developed, secured or coordinated by a school to promote the academic success of pupils enrolled in the school by targeting academic and nonacademic barriers to pupil achievement.

(c) "Victory school" means a school that is so designated by the Department pursuant to subsection 1.

(d) "Wrap-around services" means supplemental services provided to a pupil with special needs or the family of such a pupil that are not otherwise covered by any federal or state program of assistance.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Department of Education the sum of $900,000 for the costs of desktop monitoring and school improvement computer software tools and related implementation costs for personnel, professional development and travel.

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

Sec. 3.7. The salary provided for the new position of Chief Strategy Officer in the Office of the Superintendent of Public Instruction in the Department of Education is hereby adjusted from $95,931 to $101,847.

Sec. 4. 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. 5. 1. This act becomes effective upon passage and approval.

2. Sections 1, 2 and 4 of this act expire by limitation on June 30, 2021.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1099 to Senate Bill No. 467 revises section 3 to provide a salary adjustment of $95,931 to $101,847 for the Chief Strategy Officer position in the Department of Education's Office of the Superintendent's Budget.

Bill read third time.

Remarks by Senator Denis.

Senate Bill No. 467 continues the Zoom and Victory Schools programs for the 2019-2021 Biennium. The bill also requires that schools identified to operate as Zoom Schools for the 2017-2019 Biennium continue to operate as such for the 2019-2021 Biennium. The bill makes an appropriation of $900,000 from the State General Fund to the Interim Finance Committee for allocation to the Department of Education for the costs of desktop monitoring, school improvement, computer-software tools and related implementation costs.

Roll call on Senate Bill No. 467:

YEAS—21.

NAYS—None.

Senate Bill No. 467 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 297.

Bill read third time.

Remarks by Senators Scheible and Pickard.

SENATOR SCHEIBLE:

Assembly Bill No. 297 requires the owner or operator of a building equipped with a fire or smoke damper, or combination of the two, to have the unit inspected by a certified technician as often as required by the International Fire Code as published by the International Code Council. The bill requires the technician to provide a certification of inspection to the building owner or operator containing the location of the device; the date of the inspection; the results of the inspection, and the name and certification number of the technician. Assembly Bill No. 297 includes a General Fund appropriation of $276,098 in Fiscal Year 2020 and $210,856 in Fiscal

Year 2021 to the State Fire Marshal to pay for personnel for facility identification and inspection, equipment testing and related administrative duties.

SENATOR PICKARD:

I used to install these when I was a contractor, and I do not think they have changed much. Then, it was a simple system; they were stable, and if there was a fire in the ductwork, the fusible link would release and the damper would close. If there was a smoke-detector trigger, it would close, but if there was a problem with the smoke detector, it would show up with the panel; there would be an alarm, and we would address it at that time. This bill seems to require unnecessary inspections by the people who do inspections, such as fire inspectors. This is unnecessary. We should not be spending State funds to do something that is unnecessary, so I am opposed to Assembly Bill No 297.

Roll call on Assembly Bill No. 297:

YEAS—13.

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

Assembly Bill No. 297 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 320.

Bill read third time.

Remarks by Senator Cancela.

Assembly Bill No. 320 revises provisions relating to additional fees for the registration of certain commercial motor vehicles. The bill adds a new tier of vehicle weights, from 80,001 pounds to 129,000 pounds, and establishes a fee schedule for such vehicles. The bill also makes additional weight allowances for certain vehicles powered by an alternative fuel source. Finally, Assembly Bill No. 320 provides that, for a vehicle registered in excess of 80,000 pounds, no separate permit is required, and once the vehicle is registered to operate in excess of 80,000 pounds, such a vehicle is deemed permitted to operate at any legal reducible combination.

Roll call on Assembly Bill No. 320:

YEAS—21.

NAYS—None.

Assembly Bill No. 320 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 331.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 331 creates the Outdoor Education and Recreation Grant Program within the State Department of Conservation and Natural Resources, Division of State Parks, to award grants of money to public and private entities to conduct outdoor education and recreation programs for pupils in the State, with a focus on pupils who are from economically disadvantaged backgrounds, most likely to fail academically or appear to have the greatest potential to drop out of school. The bill appropriates $99,135 for Fiscal Year 2020 and $96,659 for Fiscal Year 2021 from the State General Fund to the Department of Conservation and Natural Resources, Division of State Parks, to support the personnel and operating costs associated with developing and administering the new Grant Program.

Roll call on Assembly Bill No. 331:
YEAS—21.
NAYS—None.

Assembly Bill No. 331 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 89.

The following Assembly amendment was read:

Amendment No. 1067.

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

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

Existing law provides for the establishment of the Safe-to-Tell Program within the Office for a Safe and Respectful Learning Environment within the Department of Education. The Program enables any person to anonymously report any dangerous, violent or unlawful activity which is being conducted or

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

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

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

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

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

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

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

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

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

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

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

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

385A.240 1. The annual report of accountability prepared pursuant to

NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

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

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

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

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

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

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

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

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

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

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

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

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

3. On or before September 30 of each year:

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

(b) The State Public Charter School Authority, the Achievement School District and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

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

3. As used in this section:

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

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

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

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

2. The plan developed pursuant to subsection 1 must:

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

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

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

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

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

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

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

(a) Department;

(b) Committee;

(c) Bureau; and

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

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

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

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

2. The committee must consist of:

(a) One representative of the Department of Education;

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) Any other representative the Governor deems appropriate.

3. The committee shall:

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

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

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

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

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

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

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

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

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

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

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

2. The recommendations developed by the State Board must:

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

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

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

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

(a) A school counselor;

(b) A school psychologist;

(c) A school social worker;

(d) A school nurse;

(e) A speech-language pathologist;

(f) A school library media specialist; and

(g) Any other qualified professional.

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

2. A school safety specialist shall:

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

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

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

(1) Mental health;

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

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

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

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

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

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

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

(i) Provide a written record to the board of trustees of the school district or the governing body of the charter school, as applicable, of any

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

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

4. As used in this section:

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

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

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

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

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

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

2. The policy must include, without limitation:

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

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

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

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

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

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

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

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

(5) Methods to promote a positive learning environment;

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

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

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

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

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

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

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

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

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

(f) Any other persons appointed by the administrator.

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

3. The school safety team shall:

(a) Meet at least two times each year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Twenty-four hours a day; and

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

3. On behalf of the Program, the Director or his or her designee shall establish and operate a support center that meets the requirements of NRS 388.14557, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application or enter into an agreement with an organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization

will establish and operate such a support center, which includes, without limitation, a hotline, Internet website, mobile telephone application and text messaging application. The support center shall receive initial reports made to the Program through the hotline, Internet website, mobile telephone application and text messaging application and forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding:

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

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

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

5. The Director shall:

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

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

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

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

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

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

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

7. As used in this section:

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

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

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

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

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

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

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

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

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

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

6. The Director shall:

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

(b) Update the list annually; and

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

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

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

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

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

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

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to

exculpate the defendant or to impeach the testimony of a witness ~~[,]~~ *and unless otherwise authorized by subsection 2 of NRS 388.1455*, the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the ~~[Safe to Tell]~~ *SafeVoice* Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(d)]~~ A pupil in grade 10 or higher of a school in the school district or a pupil in grade 1 or higher of the charter school if a school in the school district or the charter school includes grade 10 or higher; and

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

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

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

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

responding to a crisis, emergency or suicide. Each development committee shall, when developing the plan:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The Department;

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

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

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

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

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

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

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

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

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

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

(a) The principal of the school;

(b) Two licensed employees of the school;

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

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

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

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

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

(b) A counselor of the school;

(c) A psychologist of the school;

(d) A licensed social worker of the school;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A suicide; or

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

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

(a) In response to a crisis or emergency:

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

(2) Accounting for all persons within a school;

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

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

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

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

(7) Providing any necessary medical assistance;

(8) Recovering from a crisis or emergency;

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

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

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

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

(1) An incident involving hazardous materials;

(2) An incident involving mass casualties;

(3) An incident involving an active shooter;

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

(5) An outbreak of disease;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. A development committee;

2. A school committee;

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

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

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

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

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

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

(a) An administrator from the school district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) Engaging the parents and guardians of pupils;

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

(III) Attaining appropriate behavior from pupils; and

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

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

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

(I) Engaging in shared decision-making;

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

(III) Establishing productive working relationships between such providers;

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

(I) Best practices for providing integrated student supports;

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

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

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

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

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

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

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

(a) Annually conduct a needs assessment for pupils enrolled in the school district or charter school, as applicable, to identify the academic and

nonacademic supports needed within the district or charter school. The board of trustees of a school district or the governing body of a charter school shall be deemed to have satisfied this requirement if the board of trustees or the governing body has conducted such a needs assessment for the purpose of complying with any provision of federal law or any other provision of state law that requires the board of trustees or governing body to conduct such a needs assessment.

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

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

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

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

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

(a) Improving his or her academic achievement and educational attainment and maintaining stability and positivity in his or her life ~~[.]~~ *; and*

(b) His or her social, emotional and academic development.

Sec. 29. NRS 391.282 is hereby amended to read as follows:

391.282 1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to NRS 388A.384, all property, buildings and facilities in which the charter school is located, for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities ~~[when]~~ *:*

(1) When in hot pursuit of a person believed to have committed a crime; *or*

(2) While investigating matters that originated within the jurisdiction of the school police officer relating to personnel, pupils or real or personal property of the school district;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) ~~[When authorized by the superintendent of schools of the school district, on]~~ *On* the streets that are adjacent to the school property, buildings and facilities within the school district ~~[for the purpose of issuing traffic citations for]~~ *to enforce* violations of traffic laws and ordinances . ~~[during the times that the school is in session or school-related activities are in progress.]~~

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

Sec. 30. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority, the Achievement School District or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection ~~[2]~~ *3* of NRS 385A.240;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the

school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 31. NRS 392.450 is hereby amended to read as follows:

392.450 1. The board of trustees of each school district and the governing body of each charter school shall provide drills for the pupils in the schools in the school district or the charter schools at least once each month during the school year to instruct those pupils in the appropriate procedures to be followed in the event of a lockdown, fire or other emergency. Not more than three of the drills provided pursuant to this subsection may include instruction in the appropriate procedures to be followed in the event of a chemical explosion, related emergencies and other natural disasters. At least one-half of the drills provided pursuant to this subsection must include instruction in appropriate procedures to be followed in the event of a lockdown.

2. In all cities or towns, the drills required by subsection 1 must be approved by the chief of the fire department of the city or town, if the city or town has a regularly organized, paid fire department or voluntary fire department ~~[.]~~ *, and must be conducted in accordance with any applicable fire code and any direction from the State Fire Marshal.* In addition, the drills in each school must be conducted under the supervision of the:

(a) Person designated for this purpose by the board of trustees of the school district or the governing body of a charter school in a county whose population is less than 100,000; or

(b) Emergency manager designated pursuant to NRS 388.262 in a county whose population is 100,000 or more.

3. A diagram of the approved escape route and any other information related to the drills required by subsection 1 which is approved by the chief of the fire department or, if there is no fire department, the State Fire Marshal must be kept posted in every classroom of every public school by the principal or teacher in charge thereof.

4. The principal, teacher or other person in charge of each school building shall ~~[cause]~~ *:*

(a) Cause the provisions of this section to be enforced ~~[.]~~ *; and*

(b) Ensure the drills provided pursuant to subsection 1 occur at different times during normal school hours.

5. Any violation of the provisions of this section is a misdemeanor.

6. As used in this section, "lockdown" has the meaning ascribed to it in NRS 388.2343.

Sec. 32. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The principal of each public school shall establish a plan to provide for the ~~[progressive]~~ *restorative* discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

(d) *Provide restorative disciplinary practices which include, without limitation:*

(1) Holding a pupil accountable for his or her behavior;

(2) Restoration or remedies related to the behavior of the pupil;

(3) Relief for any victim of the pupil; and

(4) Changing the behavior of the pupil.

(e) Provide for the temporary removal of a pupil from a classroom or other premises of a public school in accordance with NRS 392.4645.

~~[(e)]~~ *(f)* Include the names of any members of a committee to review the temporary alternative placement of pupils required by NRS 392.4647.

2. On or before September 15 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary;

(c) Post a copy of the plan or the revised plan, as applicable, on the Internet website maintained by the school or school district;

(d) Distribute to each teacher and all educational support personnel who are employed at or assigned to the school a written or electronic copy of the plan or the revised plan, as applicable; and

(e) Submit a copy of the plan or the revised plan, as applicable, to the superintendent of schools of the school district.

3. On or before October 15 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

(b) The name of each principal, if any, who has not complied with the requirements of this section.

4. On or before November 15 of each year, the board of trustees of each school district shall:

(a) Submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section; and

(b) Post a copy of the report on the Internet website maintained by the school district.

Sec. 33. NRS 392.4645 is hereby amended to read as follows:

392.4645 1. The plan established pursuant to NRS 392.4644 must provide for the temporary removal of a pupil from a classroom or other premises of a public school if, in the judgment of the teacher or other staff member responsible for the classroom or other premises, as applicable, the pupil has engaged in behavior that seriously interferes with the ability of the teacher to teach the other pupils in the classroom and with the ability of the other pupils to learn or with the ability of the staff member to discharge his or her duties. The plan must provide that, upon the removal of a pupil from a classroom or any other premises of a public school pursuant to this section, the principal of the school shall provide an explanation of the reason for the removal of the pupil to the pupil and offer the pupil an opportunity to respond to the explanation. Within 24 hours after the removal of a pupil pursuant to this section, the principal of the school shall notify the parent or legal guardian of the pupil of the removal.

2. Except as otherwise provided in subsection 3, a pupil who is removed from a classroom or any other premises of a public school pursuant to this section ~~[must]~~ *may* be assigned to a temporary alternative placement pursuant to which the pupil:

(a) Is separated, to the extent practicable, from pupils who are not assigned to a temporary alternative placement;

(b) Studies or remains under the supervision of appropriate personnel of the school district; and

(c) Is prohibited from engaging in any extracurricular activity sponsored by the school.

3. The principal shall not assign a pupil to a temporary alternative placement if the suspension or expulsion of a pupil who is removed from the classroom pursuant to this section is:

(a) Required by NRS 392.466; or

(b) Authorized by NRS 392.467 and the principal decides to proceed in accordance with that section.

➥ If the principal proceeds in accordance with NRS 392.466 or 392.467, the pupil must be removed from school in accordance with those sections and the provisions of NRS 392.4642 to 392.4648, inclusive, do not apply to the pupil.

Sec. 34. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a private school may contract with the board of trustees of the school district in which the private school is located for the provision of school police officers.

2. If the governing body of a private school makes a request to the board of trustees of the school district in which the private school is located for the provision of school police officers pursuant to subsection 1, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide the payment by the private school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers, including, without limitation, any other costs associated with providing the officers.

3. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of a private school and the board of trustees of the school district not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

4. A school district that enters into a contract pursuant to this section with the governing body of a private school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the private school pursuant to the contract.

5. As used in this section, "private school" means a school licensed pursuant to this chapter or an institution exempt from such licensing pursuant to NRS 394.211.

Sec. 35. NRS 394.168 is hereby amended to read as follows:

394.168 As used in NRS 394.168 to 394.1699, inclusive, *and section 34 of this act,* unless the context otherwise requires, the words and terms defined in NRS 394.1681 to 394.1684, inclusive, have the meanings ascribed to them in those sections.

Sec. 36. NRS 394.1688 is hereby amended to read as follows:

394.1688 1. Each development committee shall, at least once each year, review and update as appropriate the plan that it developed pursuant to NRS 394.1687. In reviewing and updating the plan, the development committee shall consult with the director of the local organization for emergency management or, if there is no local organization for emergency management, with the Chief of the Division of Emergency Management of the Department of Public Safety or his or her designee.

2. ~~[Each]~~ *On or before July 1 of each year, each* development committee shall provide an updated copy of the plan to the governing body of the school.

3. The governing body of each private school shall:

(a) Post a notice of the completion of each review and update that its development committee performs pursuant to subsection 1 at the school;

(b) File with the Department a copy of the notice provided pursuant to paragraph (a);

(c) Post a copy of NRS 388.253 and 394.168 to 394.1699, inclusive, *and section 34 of this act,* at the school;

(d) Retain a copy of each plan developed pursuant to NRS 394.1687, each plan updated pursuant to subsection 1 and each deviation approved pursuant to NRS 394.1692;

(e) ~~[Provide]~~ *On or before July 1 of each year, provide* a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to:

(1) Each local public safety agency in the county in which the school is located;

(2) The Division of Emergency Management of the Department of Public Safety; and

(3) The local organization for emergency management, if any;

(f) Upon request, provide a copy of each plan developed pursuant to NRS 394.1687 and each plan updated pursuant to subsection 1 to a local agency that is included in the plan and to an employee of the school who is included in the plan;

(g) Upon request, provide a copy of each deviation approved pursuant to NRS 394.1692 to:

(1) The Department;

(2) A local public safety agency in the county in which the school is located;

(3) The Division of Emergency Management of the Department of Public Safety;

(4) The local organization for emergency management, if any;

(5) A local agency that is included in the plan; and

(6) An employee of the school who is included in the plan; and

(h) At least once each year, provide training in responding to a crisis and training in responding to an emergency to each employee of the school, including, without limitation, training concerning drills for evacuating and securing the school.

4. As used in this section, "public safety agency" has the meaning ascribed to it in NRS 388.2345.

Sec. 37. NRS 244A.7645 is hereby amended to read as follows:

244A.7645 1. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is 100,000 or more, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county ~~[,]~~ and department, division or municipal court of a city or town that employs marshals within the county , ~~[and school district if the school district has school police officers,]~~ as applicable.

2. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is less than 100,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

(c) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county ~~[,]~~ and department, division or municipal court of a city or town that employs marshals within the county , ~~[and school district if the school district has school police officers,]~~ as applicable.

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only:

(a) With respect to the telephone system for reporting an emergency:

(1) In a county whose population is 45,000 or more, to enhance the telephone system for reporting an emergency, including only:

(I) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(II) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(III) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system, including, without

limitation, equipment and software that identify the number or location from which a call is made; and

(IV) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(2) In a county whose population is less than 45,000, to improve the telephone system for reporting an emergency in the county.

(b) With respect to purchasing and maintaining portable event recording devices and vehicular event recording devices, ~~[paying]~~ *by an entity described in this paragraph to pay* costs associated with the acquisition, maintenance, storage of data, upgrade and replacement of equipment and software necessary for the operation of portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices. *Money may be expended pursuant to this paragraph for the purchase and maintenance of portable event recording devices or vehicular event recording devices only by:*

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) A department, division or municipal court of a city or town that employs marshals;

(5) A department of alternative sentencing; or

(6) A county school district that employs school police officers.

4. If the balance in the fund created in a county whose population is 100,000 or more pursuant to subsection 3 which has not been committed for expenditure exceeds $5,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed $5,000,000.

5. If the balance in the fund created in a county whose population is 45,000 or more but less than 100,000 pursuant to subsection 3 which has not been committed for expenditure exceeds $1,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed $1,000,000.

6. If the balance in the fund created in a county whose population is less than 45,000 pursuant to subsection 3 which has not been committed for expenditure exceeds $500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed $500,000.

Sec. 38. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

2. Subject to the provisions of NRS 258.070, constables and their deputies;

3. Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

4. Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

5. Investigators of arson for fire departments who are specially designated by the appointing authority;

6. The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

7. The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

8. Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

9. ~~[School police officers employed by the board of trustees of any county school district;~~

~~10.]~~ Agents of the Nevada Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

~~[11.]~~ *10.* Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

~~[12.]~~ *11.* Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

~~[13.]~~ *12.* Legislative police officers of the State of Nevada;

~~[14.]~~ *13.* Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

~~[15.]~~ *14.* Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~[16.]~~ *15.* Field investigators of the Taxicab Authority;

~~[17.]~~ *16.* Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~[18.]~~ *17.* The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~[19.]~~ *18.* Criminal investigators who are employed by the Secretary of State; and

~~[20.]~~ *19.* The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 39. NRS 289.480 is hereby amended to read as follows:

289.480 "Category III peace officer" means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. The term does not include a person described in subsection ~~[20]~~ *19* of NRS 289.470.

Sec. 40. NRS 289.830 is hereby amended to read as follows:

289.830 1. A law enforcement agency shall require uniformed peace officers that it employs and who routinely interact with the public to wear a portable event recording device while on duty. Each law enforcement agency shall adopt policies and procedures governing the use of portable event recording devices, which must include, without limitation:

(a) Except as otherwise provided in paragraph (d), requiring activation of a portable event recording device whenever a peace officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a uniformed peace officer and a member of the public;

(b) Except as otherwise provided in paragraph (d), prohibiting deactivation of a portable event recording device until the conclusion of a law enforcement or investigative encounter;

(c) Prohibiting the recording of general activity;

(d) Protecting the privacy of persons:

(1) In a private residence;

(2) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; or

(3) Claiming to be a victim of a crime;

(e) Requiring that any video recorded by a portable event recording device must be retained by the law enforcement agency for not less than 15 days; and

(f) Establishing disciplinary rules for peace officers who:

(1) Fail to operate a portable event recording device in accordance with any departmental policies;

(2) Intentionally manipulate a video recorded by a portable event recording device; or

(3) Prematurely erase a video recorded by a portable event recording device.

2. Any record made by a portable event recording device pursuant to this section is a public record which may be:

(a) Requested only on a per incident basis; and

(b) Available for inspection only at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. As used in this section:

(a) "Law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) A department, division or municipal court of a city or town that employs marshals; ~~[or]~~

(5) The Nevada Highway Patrol ~~[.]~~ *; or*

(6) A board of trustees of any county school district that employs or appoints school police officers.

(b) "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.

Sec. 41. NRS 432B.610 is hereby amended to read as follows:

432B.610 1. The Peace Officers' Standards and Training Commission shall:

(a) Require each category I peace officer to complete a program of training for the detection and investigation of and response to cases of sexual abuse or sexual exploitation of children under the age of 18 years.

(b) Not certify any person as a category I peace officer unless the person has completed the program of training required pursuant to paragraph (a).

(c) Establish a program to provide the training required pursuant to paragraph (a).

(d) Adopt regulations necessary to carry out the provisions of this section.

2. As used in this section, "category I peace officer" means:

(a) Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;

(b) Personnel of the Nevada Highway Patrol whose principal duty is to enforce one or more laws of this State, and any person promoted from such a duty to a supervisory position related to such a duty;

(c) Marshals, police officers and correctional officers of cities and towns;

(d) Members of the Police Department of the Nevada System of Higher Education;

(e) Employees of the Division of State Parks of the State Department of Conservation and Natural Resources designated by the Administrator of the Division who exercise police powers specified in NRS 289.260;

(f) The Chief, investigators and agents of the Investigation Division of the Department of Public Safety; ~~[and]~~

(g) The personnel of the Department of Wildlife who exercise those powers of enforcement conferred by title 45 and chapter 488 of NRS ~~[.]~~ *; and*

(h) School police officers employed or appointed by the board of trustees of any county school district.

Sec. 42. A person employed or appointed as a school police officer before July 1, 2019, must be certified by the Peace Officers' Standards and Training Commission as a category I officer on or before January 1, 2021.

Sec. 43. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 44. This act becomes effective on July 1, 2019.

Senator Denis moved that the Senate concur in Assembly Amendment No. 1067 to Senate Bill No. 89.

Remarks by Senator Denis.

Amendment No. 1067 to Senate Bill No. 89 revises the requirement for the presentation of the findings of school security risk assessments in a public meeting. It retains existing statute, which had been proposed to be revised by this bill, relating to the composition of an advisory committee to develop a plan to enhance the telephone system for reporting an emergency, and it prescribes the entities authorized to use funds from the surcharge imposed for that purpose, including a school district that employs school police officers and certain other law enforcement and criminal justice agencies.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 166.

The following Assembly amendment was read:

Amendment No. 860.

SUMMARY—Revises provisions relating to employment. (BDR 18-5)

AN ACT relating to employment; requiring certain penalties and fines imposed by the Nevada Equal Rights Commission for certain unlawful discriminatory practices to be deposited in the State General Fund; revising provisions governing the filing of complaints of employment discrimination with the Nevada Equal Rights Commission; revising provisions relating to unlawful employment practices; revising the relief that the Commission may order if it determines that an unlawful employment practice has occurred; revising provisions relating to the time in which a person may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an employer, employment agency, labor organization or joint labor-management committee from discriminating against any person with respect to employment or membership, as applicable, on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origination. (NRS 613.330) Existing law also requires the Nevada Equal Rights Commission to accept certain complaints alleging unlawful discriminatory practices and, if the Commission determines that an unlawful practice has occurred, order: (1) the person engaging in the practice to cease and desist; and (2) for a case involving an unlawful employment practice, the restoration of all benefits and rights to which the aggrieved person is entitled. (NRS 233.157, 233.160, 233.170)

Existing federal law provides that an unlawful employment practice with respect to discrimination in compensation occurs when: (1) a discriminatory compensation decision or other practice is adopted; (2) an individual becomes

subject to a discriminatory compensation decision or other practice, or (3) an individual is affected by application of a discriminatory compensation decision or other practice. (42 U.S.C. § 2000e-5(e)(3)(A)) Section 2 of this bill generally revises provisions governing the filing of complaints alleging a practice of unlawful discrimination in compensation to require that the complaint be filed within 300 days after ~~[any date on which: (1) a decision or practice resulting in discriminatory compensation is adopted; (2) a person becomes subject to such a decision or practice; or (3) a person is affected by an application of such a decision or practice.]~~ the date on which the unlawful discrimination occurs pursuant to federal law, as it currently exists. If federal law is amended to provide greater protections for employees, section 2 requires such a complaint to be filed within 300 days after the date on which the unlawful discrimination occurs pursuant to federal law, as amended. Section 2 also requires the Commission to notify each party to a complaint of the period of time that a person may apply to a district court for relief. Section 3 of this bill revises the powers of the Commission to order remedies for unlawful employment practices. Section 3 authorizes the Commission to: (1) award back pay for a period beginning 2 years before the date of the filing of a complaint regarding an unlawful employment practice and ending on the date the Commission issues an order regarding the complaint; (2) order payment of ~~[compensatory]~~ lost wages or other economic damages in cases involving an unlawful employment practice relating to discrimination on the basis of sex; and (3) under certain circumstances, order a civil penalty, in increasing amounts, for an unlawful employment practice that it determines is willful based on the number of such practices the person has committed in the previous 5 years.

Section 1 of this bill requires that any penalty or fine imposed by the Commission for certain unlawful discriminatory practices and for willful interference with the performance of duties by the Commission be deposited in the State General Fund and authorizes the Commission to present a claim for recommendation to the Interim Finance Committee if money is required to pay certain costs.

Section 8 of this bill requires the Commission, if it does not conclude that an unfair employment practice has occurred, to issue a letter to the person who filed the complaint concerning an unfair employment practice. This letter must notify the person of his or her right to apply to the district court for an order relating to the alleged unfair employment practice and any potential punitive damages owed to the person. Section 9 of this bill provides that a person may apply to a district court for relief pursuant to section 8 up to ~~[180]~~ 90 days after the date of issuance of the letter described in section 8.

Existing law prohibits an employer, employment organization or labor organization from discriminating against certain persons because the persons have inquired about, discussed or voluntarily disclosed his or her wages or the wages of another such person. (NRS 613.330) Section ~~[5 of this bill expands the list of persons who are protected from certain unlawful employment~~

~~practices to include applicants for employment, and section~~] 7 of this bill expressly includes references to the provisions providing such protections for the purpose of specifying who may file a complaint.

~~[Section 6 of this bill provides that it is an unlawful employment practice to use an occupational qualification which: (1) is based upon or derived from a difference on the basis of sex; or (2) the employer, employment agency, labor organization or joint labor-management committee has refused to change after being presented by an affected person with an alternative practice that would serve the same purpose in a manner that is less discriminatory on the basis of sex.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 233 of NRS is hereby amended by adding thereto a new section to read as follows:

1. All penalties and fines imposed by the Commission pursuant to NRS 233.170 and 233.210 must be deposited with the State Treasurer for credit to the State General Fund.

2. If the money collected from the imposition of any penalty and fine is deposited in the State General Fund pursuant to subsection 1, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.

Sec. 2. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges unlawful discriminatory practices in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

➥ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice and sign it under oath.

3. The Commission shall send to the party against whom an unlawful discriminatory practice is alleged:

(a) A copy of the complaint;

(b) An explanation of the rights which are available to that party; and

(c) A copy of the Commission's procedures.

4. The Commission shall notify each party to the complaint of the limitation on the period of time ~~[that]~~ during which a person may apply to the district court for relief pursuant to NRS 613.430.

5. For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on ~~[each]~~ :

(a) Except as otherwise provided in paragraph (b), the date ~~[on which:~~

~~(a) A decision or other practice resulting in discriminatory compensation is adopted;~~

~~(b) A person becomes subject to a decision or other practice resulting in discriminatory compensation; or~~

~~(c) A person is affected by an application of a decision or other practice resulting in discriminatory compensation, including, without limitation, each payment of wages, benefits or other compensation that is affected by the decision or practice.]~~ prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as it existed on January 1, 2019.

(b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the Commissioner determines by regulation that the section, as amended, provides greater protection for employees than the section as it existed on January 1, 2019, the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as amended.

Sec. 3. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations if true would support a finding of unlawful practice, the Commission shall determine whether to hold an informal meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. No further action may be taken if the parties agree to a settlement.

2. If an agreement is not reached at the informal meeting, the Administrator shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. After the investigation, if the Administrator determines that an unlawful practice has occurred, the Administrator shall attempt to mediate between or reconcile the parties. The party against whom a complaint was filed may agree to cease the unlawful practice. If an agreement is reached, no further action may be taken by the complainant or by the Commission.

3. If the attempts at mediation or conciliation fail, the Commission may hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred, it may:

(a) Serve a copy of its findings of fact within 10 calendar days upon any person found to have engaged in the unlawful practice; and

(b) Order the person to:

(1) Cease and desist from the unlawful practice. *The order must include, without limitation, the corrective action the person must take.*

(2) In cases involving an unlawful employment practice, restore all benefits and rights to which the aggrieved person is entitled, including, but not limited to, rehiring, back pay for a period ~~[not to exceed 2 years after the date of the most recent unlawful practice,]~~ *described in subsection 4,* annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

(3) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate by the Commission ~~[as compensatory damages which, upon submission of proof by the aggrieved party, may include, without limitation, compensation]~~ for lost wages that would have been earned in the absence of discrimination or other economic damages resulting from the discrimination, including, without limitation, lost payment for overtime, shift differential, cost of living adjustments, merit increases or promotions, or other fringe benefits.

(4) In cases involving an unlawful employment practice committed by an employer with ~~[30]~~ 50 or more employees that the Commission determines was willful, pay a civil penalty of:

(I) For the first unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $5,000.

(II) For the second unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $10,000.

(III) For the third and any subsequent unlawful employment practice that the person has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than $15,000.

4. *For the purposes of subparagraph (2) of paragraph (b) of subsection 3, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection 3 . ~~[addressing all unlawful practices which occur during that period and which are similar or related to an unlawful practice in the complaint.]~~*

5. Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection 3, the Commission must allow the person found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection 3. If the person takes such corrective action, the Commission shall not impose the civil penalty.

6. ~~[The Commission shall adopt regulations setting forth the manner in which the Commission will determine whether an unlawful employment practice was willful.~~

~~7.]~~ The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the person fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the person has violated the order by failing to cease and desist from the unlawful practice or to make the payment ordered, the court shall award the aggrieved party actual damages for any economic loss and no more.

~~[5.8.]~~ *7.* After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.

8. For the purposes of this section, an unlawful employment practice shall be deemed to be willful if a person engages in the practice with knowledge that it is unlawful or with reckless indifference to whether it is lawful or unlawful.

Sec. 4. (Deleted by amendment.)

Sec. 5. ~~[NRS 613.330 is hereby amended to read as follows:~~

~~613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:~~

~~(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;~~

~~(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; or~~

~~(c) Except as otherwise provided in subsection 7, to discriminate against any employee or *applicant for employment* because the employee or *applicant* has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another employee.~~

~~2. It is an unlawful employment practice for an employment agency:~~

~~(a) To fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person;~~

~~(b) To classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin of that person; or~~

~~(c) Except as otherwise provided in subsection 7, to discriminate against any person because the person has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another person.~~

~~3. It is an unlawful employment practice for a labor organization:~~

~~(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;~~

~~(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin;~~

~~(c) Except as otherwise provided in subsection 7, to discriminate or take any other action prohibited by this section against any member thereof or any applicant for membership because the member or applicant has inquired about, discussed or voluntarily disclosed his or her wages or the wages of another member or applicant; or~~

~~(d) To cause or attempt to cause an employer to discriminate against any person in violation of this section.~~

~~4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.~~

~~5. Except as otherwise provided in subsection 6, it is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.~~

~~6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment, except that an employer may refuse to permit an employee to keep a service animal that is a miniature horse with him or her if the employer determines that it is not reasonable to comply, using the assessment factors set forth in 28 C.F.R. § 36.302.~~

~~7. The provisions of paragraph (c) of subsection 1, paragraph (c) of subsection 2 and paragraph (c) of subsection 3, as applicable, do not apply to any person who has access to information about the wages of other persons as~~

~~part of his or her essential job functions and discloses that information to a person who does not have access to that information unless the disclosure is ordered by the Labor Commissioner or a court of competent jurisdiction.~~

~~8. It is an unlawful employment practice for an appointing authority governed by the provisions of chapter 284 of NRS, the Administrator of the Division of Human Resource Management of the Department of Administration or the governing body of a county, incorporated city or unincorporated town to consider the criminal history of an applicant for employment without following the procedure required in NRS 245.046, 268.402, 269.0802, 284.281 or 284.283, as applicable.~~

~~9. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.]~~ (Deleted by amendment.)

Sec. 6. ~~[NRS 613.350 is hereby amended to read as follows:~~

~~613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, gender identity or expression, age, disability or national origin in those instances where religion, sex, sexual orientation, gender identity or expression, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.~~

~~2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.~~

~~3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or~~

~~retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.~~

~~4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.~~

~~5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees' benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.4383, inclusive, as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.~~

~~6. It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.~~

~~*7. For the purpose of subsection 1, "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise" does not include a qualification which:*~~

~~*(a) Is based upon or derived from a difference on the basis of sex; or*~~

~~*(b) The employer, employment agency, labor organization or joint labor-management committee has refused to change after an affected person has presented an alternative practice that would serve the same purpose without producing the same amount of differential treatment on the basis of sex.]*~~ (Deleted by amendment.)

Sec. 7. NRS 613.405 is hereby amended to read as follows:

613.405 1. Except as otherwise provided in subsection 2, any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.4383, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

2. Any person injured by an unlawful employment practice within the scope of *paragraph (c) of subsection 1, paragraph (c) of subsection 2, paragraph (c) of subsection 3, subsection 7 or* subsection 8 of NRS 613.330 may file a complaint to that effect with the Nevada Equal Rights Commission regardless of whether the complaint is based on discrimination because of race, color, sex, sexual orientation, gender identity or expression, age, disability, religion or national origin.

3. Any person injured by an unlawful employment practice within the scope of NRS 613.4353 to 613.4383, inclusive, may file a complaint to that

effect with the Nevada Equal Rights Commission if the complaint is based on an employer's failure to comply with the provisions of NRS 613.4353 to 613.4383, inclusive.

Sec. 8. NRS 613.420 is hereby amended to read as follows:

613.420 If the Nevada Equal Rights Commission does not conclude that an unfair employment practice within the scope of NRS 613.310 to 613.4383, inclusive, has occurred ~~[, any]~~ *:*

1. Any person alleging such a practice may apply to the district court for an order granting or restoring to that person the rights to which the person is entitled under those sections ~~[.]~~ *; and*

2. The Commission shall issue a letter to the person who filed the complaint pursuant to NRS 613.405 notifying the person of his or her rights pursuant to subsection 1.

Sec. 9. NRS 613.430 is hereby amended to read as follows:

613.430 No action authorized by NRS 613.420 may be brought more than 180 days after the date of the act complained of ~~[.]~~ *or more than ~~[180]~~ 90 days after the date of the issuance of the letter described in subsection 2 of NRS 613.420, whichever is later.* When a complaint is filed with the Nevada Equal Rights Commission the limitation provided by this section is tolled as to any action authorized by NRS 613.420 during the pendency of the complaint before the Commission.

Sec. 10. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.

Senator Parks moved that the Senate concur in Assembly Amendment No. 860 to Senate Bill No. 166.

Remarks by Senator Parks.

Assembly Amendment No. 860 to Senate Bill No. 166 aligns statute with federal code in regards to discriminatory practices and employment that relates to compensation. It also expands the type of compensation that may be awarded resulting from discrimination and increases, from 30 to 50, the number of employees per employer.

Motion carried by a constitutional majority.

Bill ordered enrolled.

RECEDE FROM SENATE AMENDMENTS

Senator Cannizzaro moved that the Senate do not recede from its action on Assembly Bill No. 139, that a conference be requested, and that Madam President appoint a Conference Committee consisting of three members to meet with a like committee of the Assembly.

Motion carried.

Bill ordered transmitted to the Assembly.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam President appointed Senators Cannizzaro, Schieble and Kieckhefer as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Assembly Bill No. 139.

REPORTS OF CONFERENCE COMMITTEES

Madam President:

The Conference Committee concerning Assembly Bill No. 70, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 878 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

Conference Amendment No. 5.

SUMMARY—Revises provisions governing the Open Meeting Law. (BDR 19-421)

AN ACT relating to meetings of public bodies; making various changes relating to meetings of public bodies; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires a public body to ensure that members of the public body and the public present at a meeting can hear or observe and participate in the meeting if any member of the public body is present by means of teleconference or videoconference. (NRS 241.010) Section 2 of this bill provides instead that if a member of the public body attends a meeting of the public body by means of teleconference or videoconference, the chair of the public body must make reasonable efforts to ensure that members of the public body and the public can hear or observe each member attending by teleconference or videoconference. Section 4 of this bill makes a conforming change.

Section 2 authorizes a public body, under certain circumstances, to conduct a public meeting by teleconference or videoconference.

Section 6.2 of this bill requires the public officers and employees responsible for a public meeting to make reasonable efforts to ensure the facilities for that meeting are large enough to accommodate the anticipated number of attendees.

Section 2.5 of this bill provides a public body may delegate authority to the chair or the executive director, or an equivalent position, to make any decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity.

Existing law sets forth the circumstances when a public body is required to comply with the Open Meeting Law. Under existing law, a public body may gather to receive information from an attorney employed or retained by the public body regarding certain matters without complying with the Open Meeting Law. (NRS 241.015)

Section 5 of this bill authorizes, under certain circumstances, a public body to gather to receive training regarding its legal obligations without complying with the Open Meeting Law.

Section 5 requires, under certain circumstances, a subcommittee or working group of a public body to comply with the provisions of the Open Meeting Law.

The Open Meeting Law requires a public body to make supporting material for a meeting of the public body available to the public upon request. (NRS 241.020) Section 5 defines the term "supporting material."

Existing law requires a public body to have a meeting recorded on audiotape or transcribed by a court reporter and provide a copy of the audio recording or transcript to a member of the public upon request at no charge. Existing law also provides this requirement does not prohibit a court reporter from charging a fee to the public body for any services relating to the transcription of a meeting. (NRS 241.035) Section 7 of this bill clarifies that a court reporter who transcribes a meeting is: (1) not prohibited from charging a fee to the public body for the transcription; and (2) not required to provide a copy of any transcript, minutes or audio recording of a meeting directly to a member of the public at no charge.

Under existing law, the Attorney General is required to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.039) Section 10 of this bill: (1) requires, with limited

exception, the Attorney General to investigate and prosecute a violation of the Open Meeting Law if a complaint is filed not later than 120 days after the alleged violation; and (2) gives the Attorney General discretion to investigate and prosecute a violation of the Open Meeting Law if a complaint is filed more than 120 days after the alleged violation.

Section 10 further requires: (1) the Attorney General to issue certain findings upon completion of an investigation; and (2) a public body to submit a response to the findings of the Attorney General not later than 30 days after receipt of the Attorney General's findings.

Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor and subject to a civil penalty of $500. (NRS 241.040) Section 12 of this bill provides instead that each member of a public body who: (1) attends a meeting where any violation of the Open Meeting Law occurs; (2) has knowledge of the violation; and (3) participates in the violation, is guilty of a misdemeanor and subject to an administrative fine, the amount of which is graduated for multiple offenses. Section 12 also creates an exception to these penalties and fines where the member violated the Open Meeting Law based on legal advice provided by an attorney employed or retained by the public body.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 2.5 of this act.

Sec. 2. *1. A public body may conduct a meeting by means of teleconference or videoconference if:*

(a) A quorum is actually or collectively present, whether in person or by means of electronic communication; and

(b) There is a physical location designated for the meeting where members of the public are permitted to attend and participate.

2. If any member of a public body attends a meeting by means of teleconference or videoconference, the chair of the public body, or his or her designee, must make reasonable efforts to ensure that:

(a) Members of the public body and members of the public present at the physical location of the meeting can hear or observe each member attending by teleconference or videoconference; and

(b) Each member of the public body in attendance can participate in the meeting.

Sec. 2.5. *A public body may delegate authority to the chair or the executive director of the public body, or an equivalent position, to make any decision regarding litigation concerning any action or proceeding in which the public body or any member or employee of the public body is a party in an official capacity or participates or intervenes in an official capacity.*

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 241.010 is hereby amended to read as follows:

241.010 ~~[1.]~~ In enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

~~[2. If any member of a public body is present by means of teleconference or videoconference at any meeting of the public body, the public body shall ensure that all the members of the public body and the members of the public who are present at the meeting can hear or observe and participate in the meeting.]~~

Sec. 5. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present, whether in person or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present, whether in person or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

3. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present, whether in person or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present, whether in person or by means of electronic communication:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

(3) To receive training regarding the legal obligations of the public body, including, without limitation, training conducted by an attorney employed or retained by the public body, the Office of the Attorney General or the Commission on Ethics, if at the gathering the members do not deliberate toward a decision or action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

4. Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056, an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405, if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government , ~~[consisting of members appointed by the Governor,]~~ if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government , ~~[consisting of members appointed by the Governor,]~~ if the board, commission or committee has at least two members who are not employed by the public officer or entity; ~~[and]~~

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201 ~~[.]~~ *; and*

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action.

5. "Quorum" means a simple majority of the membership of a public body or another proportion established by law.

6. *"Supporting material" means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.*

7. "Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 6. (Deleted by amendment.)

Sec. 6.2. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. *If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.*

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection ~~[6]~~ *7* and a list of the locations where the supporting material is available to the public.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➥The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

~~[3.]~~ *4.* Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; and

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

~~[4.]~~ *5.* For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection ~~[3.]~~ *4.* The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

~~[5.]~~ *6.* If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection ~~[3.]~~ *4.* The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

~~[6.]~~ *7.* Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection ~~[7 or 8,]~~ *8 or 9,* as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

~~[7.]~~ *8.* Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection ~~[6]~~ *7* must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection ~~[6]~~ *7* by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

~~[8.]~~ *9.* Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection ~~[6]~~ *7* to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection ~~[6.]~~ *7.* The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

~~[9.]~~ *10.* A public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

~~[10.]~~ *11.* As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 6.5. NRS 241.033 is hereby amended to read as follows:

241.033 1. Except as otherwise provided in subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice.

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section:

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a ~~[closed]~~ meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) A meeting held to recognize or award positive achievements of a person, including, without limitation, honors, awards, tenure and commendations, is not subject to the notice requirements otherwise imposed by this section.

Sec. 7. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present, whether in person or by means of electronic communication, and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

➥ Unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, whichever occurs later.

2. Minutes of public meetings are public records. Minutes or an audio recording of a meeting made in accordance with subsection 4 must be made available for inspection by the public within 30 working days after adjournment of the meeting. A copy of the minutes or audio recording must be made available to a member of the public upon request at no charge. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection ~~[7,]~~ *8*, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least ~~[1 year]~~ *3 years* after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

5. The requirement set forth in subsection 2 that a public body make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge does not ~~[:~~

~~(a) Prohibit]~~ *prohibit* a court reporter who is certified pursuant to chapter 656 of NRS from charging a fee to the public body for any services relating to the transcription of a meeting . ~~[; or~~

~~(b) Require a]~~

6. A court reporter who transcribes a meeting *is not required* to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter *directly* to a member of the public at no charge.

~~[6.]~~ *7.* Except as otherwise provided in subsection ~~[7,]~~ *8,* any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

~~[7.]~~ *8.* If a public body makes a good faith effort to comply with the provisions of subsections 4 and ~~[6]~~ *7* but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 241.039 is hereby amended to read as follows:

241.039 1. A complaint that alleges a violation of this chapter may be filed with the Office of the Attorney General. *The Office of the Attorney General shall notify a public body identified in a complaint of the alleged violation not more than 14 days after the complaint is filed.*

2. Except as otherwise provided in *subsection 3 and* NRS 241.0365, the Attorney General ~~[shall]~~ *:*

(a) Shall investigate and prosecute any violation of this chapter ~~[.]~~ *alleged in a complaint filed not later than 120 days after the alleged violation with the Office of the Attorney General.*

(b) Except as otherwise provided in paragraph (c), shall not investigate and prosecute any violation of this chapter alleged in a complaint filed with the Office of the Attorney General later than 120 days after the alleged violation.

(c) May, at his or her discretion, investigate and prosecute any violation of this chapter alleged in a complaint filed more than 120 days after the alleged violation with the Office of the Attorney General if:

(1) The alleged violation was not discoverable at the time that the alleged violation occurred; and

(2) The complaint is filed not more than 1 year after the alleged violation with the Office of the Attorney General.

3. *The Attorney General is not required to investigate or prosecute any alleged violation of this chapter if the Attorney General determines that ~~[the complaint was filed in bad faith or]~~ the interests of the person who filed the complaint are not significantly affected by the action of the public body that is alleged to violate this chapter. For purposes of this subsection ~~[:~~*

~~*(a) A complaint is filed in bad faith if the person who filed the complaint has:*~~

~~*(1) Filed at least one other complaint against the same public body within the immediately preceding 12 months and no such complaint has resulted in a finding by the Attorney General that a violation of this chapter occurred; and*~~

~~*(2) Engaged in previous conduct to harass or annoy the public body, its members or its staff.*~~

~~*(b) The]*~~ *, the interests of the person who filed the complaint are not significantly affected by the action of the public body that is alleged to violate this chapter unless:*

~~*[(1)]*~~ *(a) The person who filed the complaint would have standing to challenge the action of the public body in a court of law; or*

~~*[(2)]*~~ *(b) The person who filed the complaint:*

~~*[(I)]*~~ *(1) Is a natural person and resides within the geographic area over which the public body has jurisdiction; or*

~~*[(II)]*~~ *(2) Is any form of business, a social organization , a labor organization or any other nongovernmental legal entity in this State that has a mission or purpose to foster or protect democratic principles or promote transparency in government.*

4. Except as otherwise provided in subsection ~~[6]~~ *7* and NRS 239.0115, all documents and other information compiled as a result of an investigation conducted pursuant to subsection 2 are confidential until the investigation is closed.

~~[4.]~~ *5.* In any investigation conducted pursuant to subsection 2, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

~~[5.]~~ *6.* A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

~~[6.]~~ *7.* The following are public records:

(a) A complaint filed pursuant to subsection 1.

(b) Every finding of fact or conclusion of law made by the Attorney General relating to a complaint filed pursuant to subsection 1.

(c) Any document or information compiled as a result of an investigation conducted pursuant to subsection 2 that may be requested pursuant to NRS 239.0107 from a governmental entity other than the Office of the Attorney General.

8. Upon completion of an investigation conducted pursuant to subsection 2, the Attorney General shall inform the public body that is the subject of the investigation and issue, as applicable:

(a) A finding that no violation of this chapter occurred; or

(b) A finding that a violation of this chapter occurred, along with findings of fact and conclusions of law that support the finding that a violation of this chapter occurred.

9. A public body or, if authorized by the public body, an attorney employed or retained by the public body, shall submit a response to the Attorney General not later than 30 days after receipt of any finding that the public body violated this chapter. If the Attorney General does not receive a response within 30 days after receipt of the finding, it shall be deemed that the public body disagrees with the finding of the Attorney General.

Sec. 11. NRS 241.0395 is hereby amended to read as follows:

241.0395 1. If the Attorney General makes findings of fact and conclusions of law that a public body has ~~[taken action in violation of]~~ *violated* any provision of this chapter, the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges *the existence of* the findings of fact and conclusions of law. The opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purposes of NRS 241.020.

2. The inclusion of an item on the agenda for a meeting of a public body pursuant to subsection 1 is not an admission of wrongdoing for the purposes of a civil action, criminal prosecution or injunctive relief.

Sec. 12. NRS 241.040 is hereby amended to read as follows:

241.040 1. ~~[Each]~~ *Except as otherwise provided in subsection 6, each* member of a public body who attends a meeting of that public body where ~~[action is taken in violation of]~~ any ~~[provision]~~ *violation* of this chapter ~~[, with]~~ *occurs, has* knowledge of the ~~[fact that the meeting is in violation thereof,]~~ *violation and participates in the violation,* is guilty of a misdemeanor.

2. ~~[Wrongful]~~ *Except as otherwise provided in subsection 6, wrongful* exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which ~~[action is taken in]~~ *a* violation of this chapter *occurs* is not the accomplice of any other member so attending.

4. ~~[In]~~ *Except as otherwise provided in subsection 6, in* addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body where ~~[action is taken in violation of]~~ any ~~[provision]~~ *violation* of this chapter ~~[,]~~ *occurs* and who participates in such ~~[action the meeting]~~ *violation* with knowledge of the violation, is subject to ~~[a civil penalty]~~ *an administrative fine* in an amount not to exceed *:*

(a) For a first offense, $500 ~~[. The Attorney General may recover the penalty]~~ *;*

(b) For a second offense, $1,000; and

(c) For a third or subsequent offense, $2,500.

5. The Attorney General may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the ~~[date of the action taken in violation of this chapter.]~~ *fine is assessed.*

6. No criminal penalty or administrative fine may be imposed upon a member of a public body pursuant to this section if a member of a public body violates a provision of this chapter as a result of legal advice provided by an attorney employed or retained by the public body.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)
Sec. 20. (Deleted by amendment.)
Sec. 21. (Deleted by amendment.)
Sec. 22. (Deleted by amendment.)
Sec. 23. (Deleted by amendment.)
Sec. 24. (Deleted by amendment.)
Sec. 25. (Deleted by amendment.)
Sec. 26. (Deleted by amendment.)
Sec. 27. (Deleted by amendment.)
Sec. 28. (Deleted by amendment.)
Sec. 29. (Deleted by amendment.)
Sec. 30. (Deleted by amendment.)
Sec. 31. (Deleted by amendment.)
Sec. 32. (Deleted by amendment.)
Sec. 33. (Deleted by amendment.)
Sec. 34. (Deleted by amendment.)
Sec. 35. (Deleted by amendment.)
Sec. 36. (Deleted by amendment.)
Sec. 37. (Deleted by amendment.)

DAVID PARKS	EDGAR FLORES
DALLAS HARRIS	TERESA BENITEZ-THOMPSON
BEN KIECKHEFER	GLEN LEAVITT
Senate Conference Committee	*Assembly Conference Committee*

Senator Parks moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 70.

Remarks by Senator Parks.

The Conference Committee Report concurs in Senate Amendment No. 878 to Assembly Bill No. 70 and further amends the bill to clarify when the Attorney General is not required to investigate or prosecute an alleged violation. It also adds labor organizations to the list of interested parties.

Motion carried by a constitutional majority.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 2, 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. 84, 88, 102, 135, 485, 503, 504, 505, 506, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 525, 526, 527, 530, 533, 534, 550, 552, 554.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 319, Amendment No. 1088; Senate Bill No. 408, Amendment No. 1061, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 667 to Assembly Bill No. 164; Senate Amendment No. 1072 to Assembly Bill No. 168; Senate Amendment No. 1063 to Assembly Bill No. 267; Senate Amendment No. 1071 to Assembly Bill No. 289; Senate Amendment No. 1080 to Assembly Bill No. 345.

Also, I have the honor to inform your honorable body that the Assembly on this day receded from its action on Senate Bill No. 252, Assembly Amendment No. 777.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Assembly Bill No. 70.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 7, Assembly Amendment No. 816, and requests a conference, and appointed Assemblymen Yeager, Nguyen and Hansen as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 151, Assembly Amendments Nos. 780, 850, and requests a conference, and appointed Assemblymen Yeager, Watts and Roberts as a Conference Committee to meet with a like committee of the Senate.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 480, Assembly Amendment No. 824, and requests a conference, and appointed Assemblymen Yeager, Backus and Roberts as a Conference Committee to meet with a like committee of the Senate.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Assembly Standing Committee on Commerce and Labor.
For: Senate Bill No. 161.
To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Sunday, June 2, 2019.

NICOLE CANNIZZARO
Senate Majority Leader

JASON FRIERSON
Speaker of the Assembly

UNFINISHED BUSINESS

APPOINT CONFERENCE COMMITTEES

Madam President appointed Senators Dondero Loop, Harris and Hammond as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 7.

Madam President appointed Senators Cancela, Ratti and Kieckhefer as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 151.

Madam President appointed Senators Cannizzaro, Scheible and Goicoechea as a Conference Committee to meet with a like Committee of the Assembly for the further consideration of Senate Bill No. 480.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 313, 378, 432; Assembly Bills Nos. 44, 68, 128, 223, 234, 264, 291, 364, 383, 449, 456, 466, 476, 494, 498, 537; Assembly Joint Resolution No. 10.

Senator Cannizzaro moved that the Senate adjourn until Monday, June 3, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:38 a.m.

Approved: KATE MARSHALL
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate