## THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), June 3, 2019

Senate called to order at 11:23 a.m.

President Marshall presiding.

Roll called.

All present.

Prayer by Senator Heidi Seevers Gansert.

We are so blessed to all be here, today, on this great Nevada morning with the sun shining, and it is finally warm. We are blessed to be working as colleagues on behalf of the citizens who have entrusted us to do the work to make Nevada a better place. We are blessed to have families that support us. We are blessed to have an abundance in our lives, and today, we will make some final decisions. It has been a long 120 days, and I know everyone is exhausted. I know we have done a lot of good work together, and I know that is what is expected of us. So, please give us strength on this final day to make good decisions on behalf of the citizens of Nevada.

Thank You to our friends and family for supporting us. Thank You for the staff here, today, who have done tremendous work in these long days and long hours.

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 Assembly Bills Nos. 541, 542, 543, 445, 527 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

Senator Ratti moved that Senate Bills Nos. 303, 440 be taken from the General File and placed at the top of the General File on the next Agenda.

Motion carried.

### GENERAL FILE AND THIRD READING

Senate Bill No. 65.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 65, appropriates total Highway Funds of $82,333 in Fiscal Year 2020 and $58,083 in Fiscal Year 2021 to the Department of Motor Vehicles to fund travel and operating expenses for Department mobile traveling teams to provide driver license and identification services in the City of West Wendover and the City of Caliente. The bill also appropriates Highway Funds 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.

Roll call on Senate Bill No. 65:

YEAS—21.

NAYS—None.

Senate Bill No. 65 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 443.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 443 makes a General Fund appropriation of $1.5 million to the Aging and Disability Services Division of the Department of Health and Human Services to increase the reimbursement rate for congregate and home-delivered meals to $3.20 for food-insecure persons who are over 60 years of age. I please urge your support.

Roll call on Senate Bill No. 443:

YEAS—21.

NAYS—None.

Senate Bill No. 443 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 546.

Bill read third time.

Remarks by Senator Dondero Loop.

Under existing law, the Department of Motor Vehicles is required to contract with certain counties for the collection of certain fuel taxes by the Department on behalf of the counties. Senate Bill No. 546 clarifies the charge by the Department is a commission.

Roll call on Senate Bill No. 546:

YEAS—21.

NAYS—None.

Senate Bill No. 546 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 551.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 1120.

SUMMARY—Revises provisions relating to state financial administration. (BDR 32-1286)

AN ACT relating to state financial administration; ~~[revising provisions governing the administration of certain taxes authorized by the Clark County Crime Prevention Act of 2016 and the Clark County Sales and Use Tax Act of 2005; providing for certain proceeds from the taxes authorized by the Clark County Sales and Use Tax Act of 2005 to be used to employ and equip additional school police officers in the Clark County School District; removing the prospective expiration of the Clark County Sales and Use Tax Act of 2005 and amendments and other provisions relating thereto;]~~ eliminating certain duties of the Department of Taxation relating to the commerce tax and the

payroll taxes imposed on certain businesses; continuing the existing legally operative rates of the payroll taxes imposed on certain businesses; revising provisions governing the credits against the payroll taxes imposed on certain businesses for taxpayers who donate money to a scholarship organization; making appropriations for certain purposes relating to school safety ~~[, early childhood education and Zoom and Victory schools;]~~ and to provide supplemental support of the operation of the school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department. (Clark County Sales and Use Tax Act of 2005) A police department is prohibited from spending the proceeds of the tax unless the expenditure has been approved by a designated body and only if the use will not replace or supplant existing funding for the police department. (Section 13 of chapter 249, Statutes of Nevada 2005, as amended by chapter 497, Statutes of Nevada 2011, p. 3158) Section 10 of this bill authorizes 50 percent of the proceeds of the tax in excess of the amount collected during Fiscal Year 2018-2019 to be transferred each month to the Clark County School District for the purposes of employing and equipping additional school police officers. Sections 1, 4-9, 11-22, 26 and 27 of this bill make conforming changes to impose generally similar requirements on the Clark County School District as are imposed on police departments that receive proceeds of the tax.~~

~~The Clark County Sales and Use Tax Act of 2005 is set to expire on October 1, 2025. (Section 23 of chapter 249, Statutes of Nevada 2005, p. 917) Sections 23-25 and 28 of this bill remove the prospective expiration of the Act and amendments thereto, thereby authorizing the imposition of such a tax in Clark County after October 1, 2025.]~~

Existing law imposes an annual commerce tax on each business entity whose Nevada gross revenue in a fiscal year exceeds $4,000,000, with the rate of the commerce tax based on the industry in which the business entity is primarily engaged. (NRS 363C.200, 363C.300-363C.560) Existing law also imposes: (1) a payroll tax on financial institutions and on mining companies subject to the tax on the net proceeds of minerals, with the rate of the payroll tax set at 2 percent of the amount of the wages, as defined under existing law, paid by the financial institution or mining company during each calendar quarter in connection with its business activities; and (2) a payroll tax on other business entities, with the rate of the payroll tax set at 1.475 percent of the amount of the wages, as defined under existing law but excluding the first $50,000 thereof, paid by the business entity during each calendar quarter in connection with its business activities. (NRS 363A.130, 363B.110, 612.190) However, a business entity that pays both the payroll tax and the commerce tax is entitled

to a credit against the payroll tax of a certain amount of the commerce tax paid by the business entity. (NRS 363A.130, 363B.110)

Existing law further establishes a rate adjustment procedure that is used by the Department of Taxation to determine whether the rates of the payroll taxes should be reduced in future fiscal years under certain circumstances. Under the rate adjustment procedure, on or before September 30 of each even-numbered year, the Department must determine the combined revenue from the commerce tax and the payroll taxes for the preceding fiscal year. If that combined revenue exceeds a certain threshold amount, the Department must make additional calculations to determine future reduced rates for the payroll taxes. However, any future reduced rates for the payroll taxes do not go into effect and become legally operative until July 1 of the following odd-numbered year. (NRS 360.203) This rate adjustment procedure was enacted by the Legislature during the 2015 Legislative Session and became effective on July 1, 2015. (Sections 62 and 114 of chapter 487, Statutes of Nevada 2015, pp. 2896, 2955) Since July 1, 2015, no future reduced rates for the payroll taxes have gone into effect and become legally operative based on the rate adjustment procedure. As a result, the existing legally operative rates of the payroll taxes are still 2 percent and 1.475 percent, respectively. (NRS 363A.130, 363B.110)

Section 39 of this bill eliminates the rate adjustment procedure used by the Department of Taxation to determine whether the rates of the payroll taxes should be reduced in any fiscal year. Section 37 of this bill maintains and continues the existing legally operative rates of the payroll taxes at 2 percent and 1.475 percent, respectively, without any changes or reductions in the rates of those taxes pursuant to the rate adjustment procedure for any fiscal year. Section 37 also provides that the Department must not apply or use the rate adjustment procedure to determine any future reduced rates for the payroll taxes for any fiscal year. Sections 2 and 3 of this bill make conforming changes.

~~[Sections 29-33 of this bill make appropriations for certain purposes relating to school safety. Specifically, section 29 of this bill makes an appropriation for the costs of public schools to retain social workers or other licensed mental health workers. Section 30 of this bill makes an appropriation for the costs of employing and equipping additional school resource officers or school police officers.]~~ Existing law establishes a credit against the payroll tax paid by certain businesses equal to an amount which is approved by the Department and which must not exceed the amount of any donation of money which is made by a taxpayer to a scholarship organization that provides grants on behalf of pupils who are members of a household with a household income which is not more than 300 percent of the federally designated level signifying poverty to attend schools in this State, including private schools, chosen by the parents or legal guardians of those pupils (NRS 363A.130, 363B.110) Under existing law, the Department: (1) is required to approve or deny applications for the tax credit in the order in which the applications are received by the Department;

and (2) is authorized to approve applications for each fiscal year until the amount of tax credits approved for the fiscal year is the amount authorized by statute for that fiscal year. Assembly Bill No. 458 of this legislative session establishes that for Fiscal Years 2019-2020 and 2020-2021, the amount authorized is $6,655,000 for each fiscal year. Sections 2.5 and 3.3 of this bill authorize the Department to approve, in addition to the amount of credits authorized for Fiscal Years 2019-2020 and 2020-2021, an amount of tax credits equal to $4,745,000 for each of those fiscal years. Section 3.7 of this bill: (1) prohibits a scholarship organization from using a donation for which the donor received a tax credit to provide a grant on behalf of a pupil unless the scholarship organization used a donation for which the donor received a tax credit to provide a grant on behalf of the pupil for the immediately preceding scholarship year or reasonably expects to provide a grant of at least the same amount on behalf of the pupil for each school year until the pupil graduates from high school; and (2) requires a scholarship organization to repay the amount of any tax credit approved by the Department if the scholarship organization violates this provision.

__Section 31 of this bill makes an appropriation for the costs of school safety facility improvements. ~~[Section 32 of this bill makes an appropriation for the costs of providing threat assessments and trainings and providing mobile crisis response team services in certain counties. Section 33 of this bill makes an appropriation to support the implementation of a program of social, emotional and academic development throughout the public schools of this State. Additionally, section 34 of this bill makes an appropriation for early childhood education programs in public schools. Finally, sections 35 and 36 of this bill make appropriations to provide supplemental funding for the Zoom and Victory schools programs to increase the number of schools served by such programs and supplement the services provided at such schools.~~

~~— Section 38 of this bill declares that the provisions of this bill are not severable and that a judicial declaration of invalidity of any portion of this bill shall be deemed to invalidate all provisions of this bill. Section 40 of this bill expressly expires by limitation all provisions of this bill upon such a judicial declaration of invalidity.]~~ Section 36.5 of this bill makes an appropriation to provide supplemental support to the operations of the school districts of this State, distributed in amounts based on the 2018 enrollment of the school districts of this State.

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

Section 1. ~~[NRS 360.200 is hereby amended to read as follows:~~

~~— 360.200 — The Department may exercise [the] :~~

~~— *1. The* specific powers enumerated in this chapter [and, except] *or any other law; and*~~

~~— *2. Except* as otherwise provided [by] *in this chapter or any other* law, [may exercise] general supervision and control over the entire revenue system of the State , including , *without limitation*, the administration of the provisions of

~~chapter 397, Statutes of Nevada 1955, as amended [(NRS] *and codified in* chapter 372 [).] *of NRS, or any special legislative act authorizing or providing for such administration by the Department.]*~~ (Deleted by amendment.)

Sec. 2. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. ~~[Except as otherwise provided in NRS 360.203, there]~~ *There* is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363A.139, to a credit equal to the amount authorized pursuant to NRS 363A.139 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

*Sec. 2.5.* NRS 363A.139 is hereby amended to read as follows:

363A.139 1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection is:

(a) For Fiscal Year 2015-2016, $5,000,000;

(b) For Fiscal Year 2016-2017, $5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

➥ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. ~~[In]~~ *Except as otherwise provided in this subsection, in* addition to the amount of credits authorized by subsection 4 for Fiscal ~~[Year 2017-2018,]~~ *Years 2019-2020 and 2020-2021,* the Department of Taxation may approve applications for the credit authorized by subsection 1 for ~~[that]~~ *each of those* fiscal ~~[year]~~ *years* until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363B.119 is ~~[$20,000,000.]~~ *$4,745,000.* The provisions of paragraph (c) of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to that paragraph. If, in Fiscal Year ~~[2017-2018,]~~ *2019-2020 or 2020-2021,* the amount of credits authorized

by subsection 1 and approved pursuant to this subsection is less than ~~[$20,000,000,]~~ *$4,745,000,* the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~[$20,000,000.]~~ *$9,490,000.* The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

Sec. 3. NRS 363B.110 is hereby amended to read as follows:

363B.110 1. ~~[Except as otherwise provided in NRS 360.203, there]~~ *There* is hereby imposed an excise tax on each employer at the rate of 1.475 percent of the amount by which the sum of all the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer exceeds $50,000.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to

subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363B.119, to a credit equal to the amount authorized pursuant to NRS 363B.119 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

*Sec. 3.3.* NRS 363B.119 is hereby amended to read as follows:

363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by

subsection 1 and approved by the Department of Taxation pursuant to this subsection is:

(a) For Fiscal Year 2015-2016, $5,000,000;

(b) For Fiscal Year 2016-2017, $5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

➥ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. In addition to the amount of credits authorized by subsection 4 for Fiscal ~~[Year 2017-2018,]~~ *Years 2019-2020 and 2020-2021*, the Department of Taxation may approve applications for the credit authorized by subsection 1 for ~~[that]~~ *each of those* fiscal ~~[year]~~ *years* until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363A.139 is ~~[$20,000,000.]~~ *$4,745,000.* The provisions of paragraph (c) of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to that paragraph. If, in Fiscal Year ~~[2017-2018,]~~ *2019-2020 or 2020-2021*, the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than ~~[$20,000,000,]~~ *$4,745,000*, the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~[$20,000,000.]~~ *$9,490,000.* The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

*Sec. 3.7.* NRS 388D.270 is hereby amended to read as follows:

388D.270 1. A scholarship organization must:

(a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed $7,755 for Fiscal Year 2015-2016.

(f) Not limit to a single school the schools for which it provides grants.

(g) Except as otherwise provided in paragraph (e) ~~[,]~~ *and subsection 6*, not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.

4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils if reporting is required by the regulations of the Department of Education.

6. *A scholarship organization shall not use a donation for which the taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of a pupil unless the scholarship organization used a donation for which the taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of the pupil for the immediately preceding school year or reasonably expects to be able to provide a grant pursuant to this section on behalf of the pupil in at least the same amount for each school year until the pupil graduates from high school. A scholarship organization that violates this subsection shall repay to the Department of Taxation the amount of the tax credit received by the taxpayer pursuant to NRS 363A.139 or 363B.119, as applicable.*

*7.* The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

~~[7.]~~ *8.* As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

Sec. 4. ~~[NRS 354.603 is hereby amended to read as follows:~~

~~354.603 1. The board of trustees of any county school district, the board of hospital trustees of any county hospital or the board of trustees of any consolidated library district or district library may establish and administer separate accounts in:~~

~~(a) A bank whose deposits are insured by the Federal Deposit Insurance Corporation;~~

~~(b) A credit union whose deposits are insured by the National Credit Union Share Insurance Fund or by a private insurer approved pursuant to NRS 678.755; or~~

~~(c) A savings and loan association or savings bank whose deposits if made by the State, a local government or an agency of either, are insured by the Federal Deposit Insurance Corporation, or the legal successor of the Federal Deposit Insurance Corporation,~~

~~* for money deposited by the county treasurer which is by law to be administered and expended by those boards.~~

~~2. The county treasurer shall transfer the money to a separate account pursuant to subsection 1 when the following conditions are met:~~

~~(a) The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library adopts a resolution declaring an intention to establish and administer a separate account in accordance with the provisions of this section.~~

~~(b) The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library sends a certificate to the county treasurer, the~~

~~county auditor, the board of county commissioners and, in the case of the board of trustees of the county school district, to the Department of Education, attested by the secretary of the board, declaring the intention of the board to establish and administer a separate account in accordance with the provisions of this section.~~

~~(c) The board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library submits monthly reports, listing all transactions involving the separate account, to the county treasurer, the county auditor and the board of county commissioners. The reports must be certified by the secretary of the board. In addition, the board shall give a full account and record of all money in such an account upon request of the board of county commissioners.~~

~~3. The separate account of the board of trustees of the county school district established under the provisions of this section must be composed of:~~

~~(a) The county school district fund . [; and]~~

~~(b) The county school district building and sites fund.~~

~~*(c) Any other fund authorized or required by law.*~~

~~4. The separate account established by the board of county hospital trustees is designated the county hospital fund.~~

~~5. The separate account of the board of trustees of the consolidated library district or district library established under the provisions of this section must be composed of:~~

~~(a) The fund for the consolidated library or district library, as appropriate; and~~

~~(b) The capital projects fund of the consolidated library or district library, as appropriate.~~

~~6. No expenditures from an account may be made in excess of the balance of the account.~~

~~7. Such an account must support all expenditures properly related to the purpose of the fund, excluding direct payments of principal and interest on general obligation bonds, and including, but not limited to, debt service, capital projects, capital outlay and operating expenses.~~

~~8. The board of county commissioners, if it determines that there is clear evidence of misuse or mismanagement of money in any separate account, may order the closing of the account and the return of the money to the county treasury to be administered in accordance with existing provisions of law. The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library is entitled to a hearing before the board of county commissioners.]~~ (Deleted by amendment.)

Sec. 5. ~~[NRS 387.175 is hereby amended to read as follows:~~

~~387.175 [The]~~ *1. Except as otherwise provided in this section, the* ~~county school district fund is composed of:~~

~~[1.]~~ *(a)* ~~All local taxes for the maintenance and operation of public schools.~~

~~[2.] *(b)* All money received from the Federal Government for the maintenance and operation of public schools.~~

~~[3.] *(c)* Apportionments by this State as provided in NRS 387.124.~~

~~[4.] *(d)* Any other receipts, including gifts, for the operation and maintenance of the public schools in the county school district.~~

~~*2. If the board of trustees of a county school district is allotted any money to employ and equip additional school police officers pursuant to any special legislative act, the money must be:*~~

~~*(a) Deposited in the appropriate fund in the manner required by the special legislative act; and*~~

~~*(b) Used only for the purposes authorized by the special legislative act.]~~

(Deleted by amendment.)

Sec. 6. ~~[NRS 387.180 is hereby amended to read as follows:~~

~~387.180 [The] *1. Except as otherwise provided in this section, the* board of trustees of each county school district shall pay all moneys received by it for school purposes into the county treasury at the end of each month to be placed to the credit of the county school district fund or the county school district buildings and sites fund as provided for in this chapter, except when the board of trustees of a county school district has elected to establish and administer a separate account under the provisions of NRS 354.603.~~

~~*2. If the board of trustees of a county school district is allotted any money to employ and equip additional school police officers pursuant to any special legislative act, the money must be:*~~

~~*(a) Deposited in the appropriate fund in the manner required by the special legislative act; and*~~

~~*(b) Used only for the purposes authorized by the special legislative act.]~~

(Deleted by amendment.)

Sec. 7. ~~[Section 13 of the Clark County Crime Prevention Act of 2016, being chapter 1, Statutes of Nevada 2016, 30th Special Session, at page 9, is hereby amended to read as follows:~~

~~Sec. 13. 1. A body designated pursuant to subsection 1 of section 12 of this act that approves an expenditure pursuant to section 12 of this act shall, for the relevant period, submit to the Department the reports required by this section, which must include, without limitation, the information required by this section and such other information relating to the administration of the provisions of this act as may be requested by the Department.~~

~~2. A body designated pursuant to subsection 1 of section 12 of this act shall submit the reports required by this section on or before:~~

~~(a) February 15, for the 3-month period ending on the immediately preceding December 31;~~

~~(b) May 15, for the 3-month period ending on the immediately preceding March 31;~~

~~(c) August 15, for the 3-month period ending on the immediately preceding June 30;~~

~~(d) November 15, for the 3-month period ending on the immediately preceding September 30; and~~

~~(e) August 15, for the 12-month period ending on the immediately preceding June 30.~~

~~3. Each report submitted pursuant to this section must be submitted on a form provided by the Department, which must be the same form as the form provided for the relevant report required by section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as added by chapter 545, Statutes of Nevada 2007, at page 3422, and amended [by chapter 497, Statutes of Nevada 2011, at page 3160,]~~ *from time to time thereafter*, ~~and must include, with respect to the period covered by the report:~~

~~(a) The total amount of the allocation received by the respective police department from the proceeds of the tax authorized by subsection 1 of section 9 of this act . [;]~~

~~(b) A detailed description of the use of the money allocated to the police department, including, without limitation:~~

~~(1) The total expenditures made by the police department from the allocation . [;]~~

~~(2) The total number of police officers hired by the respective police department, the number of those officers that are filling authorized, funded positions for new officers and demographic information regarding those officers reported in a manner consistent with the current policies of the respective police department concerning the reporting of such information . [; and]~~

~~(3) A detailed analysis of the manner in which each expenditure:~~

~~(I) Conforms to all provisions of this act; and~~

~~(II) Does not replace or supplant funding or staffing levels, which existed before October 1, 2016, for the respective police department . [;]~~

~~(c) An analysis of the manner in which each expenditure is being used to prevent crimes and the effectiveness of each expenditure in preventing crimes . [; and]~~

~~(d) Any other information required to complete the form of the report.~~

~~4. The Metropolitan Police Committee on Fiscal Affairs shall:~~

~~(a) Prepare and submit separate reports as required by this section for the expenditures approved from the allocations received by the Las Vegas Metropolitan Police Department pursuant to paragraphs (a) and (b), respectively, of subsection 3 of section 9 of this act; and~~

~~(b) In addition to all other information required by this section, include in each report submitted pursuant to this section evidence that the expenditures from allocations received by the Las Vegas Metropolitan Police Department pursuant to paragraph (a) of subsection 3 of section 9 of this act are not offsetting, supplanting,~~

~~replacing or otherwise reducing the amount of money allocated to the Las Vegas Metropolitan Police Department pursuant to paragraph (b) of subsection 3 of section 9 of this act for expenditure on law enforcement and crime prevention in the resort corridor.~~

~~5. The Department may review and investigate the reports submitted pursuant to this section and any expenditure of any proceeds from the tax authorized by subsection 1 of section 9 of this act.]~~ (Deleted by amendment.)

Sec. 8. ~~[The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 5.5, immediately following section 5, to read as follows:~~

~~*Sec. 5.5. "Board of Trustees" means the Board of Trustees of the Clark County School District.]*~~ (Deleted by amendment.)

Sec. 9. ~~[The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 8.5, immediately following section 8, to read as follows:~~

~~*Sec. 8.5. "School police officer" means a person who is employed or appointed to serve as a school police officer in the Clark County School District pursuant to NRS 391.281.]*~~ (Deleted by amendment.)

Sec. 10. ~~[The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 12.5, immediately following section 12, to read as follows:~~

~~*Sec. 12.5. 1. During Fiscal Year 2019-2020 and during each fiscal year thereafter, the Department shall determine whether the total amount of the proceeds received from any sales and use tax imposed pursuant to this act during the preceding month exceeds the proceeds received from such a tax during the corresponding month of Fiscal Year 2018-2019. If the proceeds received in the current fiscal year:*~~

~~*(a) Do not exceed the proceeds received from the corresponding month of Fiscal Year 2018-2019, the amount determined by the State Controller pursuant to paragraph (b) of subsection 3 of section 14 of this act must be transferred as provided in paragraph (c) of subsection 3 of section 14 of this act.*~~

~~*(b) Do exceed the proceeds received from the corresponding month of Fiscal Year 2018-2019:*~~

~~*(1) The sum of the amount determined by the State Controller pursuant to paragraph (b) of subsection 3 of section 14 of this act received from such a tax during the corresponding month of Fiscal Year 2018-2019 and 50 percent of the excess must be transferred as provided in paragraph (c) of subsection 3 of section 14 of this act.*~~

~~*(2) Fifty percent of the excess must be transferred to the Clark County School District for the purpose of employing and equipping additional school police officers pursuant to this section.*~~

~~*2. Except as otherwise provided in subsection 3, the Board of Trustees shall not approve the expenditure of the proceeds received by the School District pursuant to this section unless the expenditure:*~~

~~*(a) Is used to employ and equip additional school police officers;*~~

~~*(b) Conforms to all provisions of this act; and*~~

~~*(c) Will not replace or supplant existing funding to employ and equip school police officers.*~~

~~*3. If the Board of Trustees contracts with the Las Vegas Metropolitan Police Department for the provision and supervision of police services pursuant to NRS 391.281:*~~

~~*(a) The Board of Trustees shall, in the terms of the contract, provide for the transfer to the Las Vegas Metropolitan Police Department of the proceeds received by the School District pursuant to this section; and*~~

~~*(b) The body designated pursuant to section 13 of this act to approve expenditures by the Las Vegas Metropolitan Police Department shall not approve the expenditure of the proceeds received by the School District pursuant to this section unless the expenditure:*~~

~~*(1) Is used to employ and equip additional school police officers;*~~

~~*(2) Conforms to all provisions of this act; and*~~

~~*(3) Will not replace or supplant existing funding to employ and equip school police officers.]*~~ (Deleted by amendment.)

Sec. 11. ~~[Section 2 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended to read as follows:~~

~~Sec. 2. *1.* The Legislature hereby finds and declares that:~~

~~[1.] *(a)* Nevada continues to be the fastest growing state in the nation, with the overwhelming majority of this population growth occurring in Clark County, which adds 6,000 to 7,000 new residents each month;~~

~~[2.] *(b)* The increase in the number of police officers to protect the residents of Clark County has not kept pace with the explosive growth in the numbers of these residents, so, while the nation as a whole averages 2.5 police officers for each 1,000 residents, the current ratio in Clark County is now only 1.7 police officers for each 1,000 residents;~~

~~[3.] *(c)* The crime rate in Clark County is increasing, and so is the time it takes for police officers to respond when a resident reports a crime, while the very real threat of terrorism means that police now must assume added responsibilities for homeland security;~~

~~[4.] *(d)* A majority of the voters in Clark County approved at the November 2, 2004, General Election Advisory Question No. 9, indicating their support for an increase in the sales tax of up to one-half~~

~~of 1 percent for the purpose of employing and equipping more police officers to protect the residents of Clark County;~~

~~[5.]~~ *(e)* ~~It is intended that 80 percent of any additional police officers employed and equipped pursuant to this act be assigned to uniform operations for marked patrol units in the community and for the control of traffic; and~~

~~[6.]~~ *(f)* ~~It is further intended that each police department that receives proceeds from any sales and use tax imposed pursuant to this act and allocated among the police departments within Clark County pursuant to section 9 of this act~~ establish a program that promotes community participation in protecting the residents of the community that includes, without limitation:

~~[(a)]~~ *(1)* ~~A written policy of the department that sets forth its position on providing law enforcement services oriented toward the involvement of residents of the community;~~

~~[(b)]~~ *(2)* ~~The provision of training for all police officers employed by the department that includes, without limitation, training related to:~~

~~[(1)]~~ *(I)* ~~Methods that may be used to analyze, respond to and solve problems commonly confronted by police officers in the community;~~

~~[(2)]~~ *(II)* ~~The cultural and racial diversity of the residents of the community;~~

~~[(3)]~~ *(III)* ~~The proper utilization of community resources, such as local housing authorities, public utilities and local public officials, that are available to assist in providing law enforcement services; and~~

~~[(4)]~~ *(IV)* ~~Issues concerning not only the prevention of crime, but also concerning improving the quality of life for the residents of the community; and~~

~~[(c)]~~ *(3)* ~~The formation of partnerships with the residents of the community and public and private agencies and organizations to address mutual concerns related to the provision of law enforcement services . [;~~

~~7. A]~~

~~*2. The Legislature hereby further finds and declares that:*~~

~~*(a) The Clark County School District is one of the largest school districts in the nation when measured either by enrollment or geographic area, and its enrollment of over 320,000 pupils generally ranks as the fifth largest school district by enrollment in the nation and its geographic area of almost 8,000 square miles generally ranks as the seventh largest school district by geographic area in the continental United States;*~~

~~*(b) A safe and secure environment in the public schools and other facilities in the Clark County School District is necessary and essential for the School District to fulfill its educational mission and successfully teach, instruct and educate the pupils enrolled in the School District;*~~

~~*(c) There are substantial dangers and threats to the safety of the public schools and other facilities in the Clark County School District, such as school violence, illegal weapons, illicit drugs and inappropriate and unlawful sexual conduct, that have become more frequent and severe, more difficult to police and more challenging in terms of providing effective and timely responses by the limited and overextended resources of the school police officers in the School District; and*~~

~~*(d) It is therefore necessary and essential for the protection of the safety of the public schools and other facilities in the Clark County School District to employ and equip additional school police officers in the School District as provided by this act.*~~

~~*3. The Legislature hereby further finds and declares that a* general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act because of [the] *:*~~

~~*(a) The* demographic, economic and geographic diversity of the local governments [of] *and school districts in* this State [, the] *; and*~~

~~*(b) The special and* unique growth patterns *,* [occurring in Clark County and the special] financial conditions [experienced] *and dangers and threats to the safety of the public in Clark County and the safety of the public schools and other facilities* in the *Clark* County [related to] *School District, and the corresponding challenges in providing effective and timely police protection under those special and unique circumstances, which:*~~

~~*(1) Are not reasonably comparable to anywhere else in this State; and*~~

~~*(2) Create* the *ongoing* need to employ and equip more [police officers; and~~

~~*8. The] :*~~

~~*(I) Police officers for the protection of the safety of the public in Clark County, as the most populous county in this State; and*~~

~~*(II) School police officers for the protection of the safety of the public schools and other facilities in the Clark County School District, as the largest school district in this State in terms of enrollment and one of the largest school districts in the nation in terms of enrollment and geographic area.*~~

~~*4. The Legislature hereby further finds and declares that the* powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act *must* comply in all respects with any requirement or limitation pertaining thereto and imposed by any constitutional provisions.~~] (Deleted by amendment.)

Sec. 12. ~~[Section 3 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 914, 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 chapter 374 of NRS, as from time to time amended, but the definitions in sections 4 to [8,] 8.5, inclusive, of this act, unless the context otherwise requires, govern the construction of this act.~~ ] (Deleted by amendment.)

Sec. 13. ~~[Section 9 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 914, is hereby amended to read as follows:~~

~~Sec. 9. 1. The Board may enact an ordinance imposing a local sales and use tax *pursuant to this act. If the Board enacts or has enacted such an ordinance, the proceeds received from the tax authorized pursuant to this section must be used* to employ and equip additional [police] :~~

~~*(a) Police* officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department.~~

~~*(b) School police officers for the Clark County School District pursuant to section 12.5 of this act.*~~

~~2. Before enacting such an ordinance, the Board shall hold a public hearing to present its plan for implementing the local sales and use tax.~~

~~3. The proceeds *received* from the tax authorized pursuant to this section, including interest and other income earned thereon, must be:~~

~~(a) Allocated *as follows:*~~

~~*(1) Subject to the limitations set forth in section 12.5 of this act,* among the police departments within the County in the same ratio that the population served by each department bears to the total population of the County. As used in this [paragraph,] *subparagraph*, "population" means the estimated annual population determined pursuant to NRS 360.283.~~

~~*(2) To the Clark County School District pursuant to section 12.5 of this act.*~~

~~(b) Used only as approved pursuant to section *12.5 or* 13 of this act and only for the purposes set forth in this section *or section 12.5 of this act* unless the Legislature changes the use. [The]~~

~~*4. If the Board wants to change the uses for the proceeds received from the tax and allocated among the police departments within the County, the* Board shall, before submitting to the Legislature any request to change the uses for [the] *such* proceeds *received* from the tax, submit an advisory question to the voters of the County pursuant to NRS 295.230, asking whether the uses for [the] *such* proceeds *received* from the tax should be so changed. The Board shall not submit such a request to the Legislature if a majority of the voters in the County disapprove the proposed change.~~] (Deleted by amendment.)

Sec. 14. ~~[Section 13 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as amended by chapter 497, Statutes of Nevada 2011, at page 3158, is hereby amended to read as follows:~~

~~Sec. 13. 1. A police department shall not expend proceeds received from any sales and use tax imposed pursuant to this act *and allocated among the police departments within the County pursuant to section 9 of this act* unless the expenditure has been approved by the body designated pursuant to this section for the approval of expenditures of that police department. The body designated pursuant to this section must approve the expenditure of the proceeds by the police department if it determines that:~~

~~(a) The proposed use of the money conforms to all provisions of this act; and~~

~~(b) The proposed use will not replace or supplant existing funding for the police department.~~

~~2. The body designated to approve an expenditure for:~~

~~(a) The Boulder City Police Department is the City Council of the City of Boulder City;~~

~~(b) The Henderson Police Department is the City Council of the City of Henderson;~~

~~(c) The Las Vegas Metropolitan Police Department is the Metropolitan Police Committee on Fiscal Affairs;~~

~~(d) The Mesquite Police Department is the City Council of the City of Mesquite; and~~

~~(e) The North Las Vegas Police Department is the City Council of the City of North Las Vegas.~~

~~3. In determining that a proposed use meets the requirement set forth in paragraph (b) of subsection 1, a body designated pursuant to subsection 2 must find that either:~~

~~(a) The amount approved for expenditure by the body for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the amount approved for expenditure in the immediately preceding fiscal year for the support of the police department; or~~

~~(b) The amount approved for expenditure by the body for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is less than the amount approved for expenditure in the immediately preceding fiscal year for the support of the police department and the body projects a decrease in its receipt of revenue in that fiscal year from consolidated taxes and property taxes of more than 2 percent from its base fiscal year.~~

~~4. If a body designated pursuant to subsection 2 makes a finding pursuant to subsection 3, the body shall adopt a resolution setting forth the finding and the reasons therefor. If the finding is made pursuant to~~

~~paragraph (b) of subsection 3, the finding must include, without limitation, all facts supporting the projection of a decrease in revenue.~~

~~5. If a body designated pursuant to subsection 2 does not make a finding pursuant to subsection 3 for a fiscal year on or before July 1 of that fiscal year, the body shall retain the proceeds received for that fiscal year from any sales and use tax imposed pursuant to this act *and allocated among the police departments within the County pursuant to section 9 of this act* in the special revenue fund created by the body pursuant to section 17 of this act for use pursuant to this section. Any other body designated pursuant to subsection 2 which makes a finding pursuant to subsection 3 for that fiscal year may apply to the County Treasurer requesting approval for the use by the police department for which the other body approves expenditures of any portion of those proceeds in accordance with the provisions of this section.~~

~~6. The County Treasurer, upon receiving a request pursuant to subsection 5 and proper documentation of compliance with the provisions of this section, shall provide written notice to the designated body which failed to make a finding pursuant to subsection 3 that it is required to transfer from the special revenue fund created by the body pursuant to section 17 of this act to the County Treasurer such amount of the proceeds received for that fiscal year from any sales and use tax imposed pursuant to this act *and allocated among the police departments within the County pursuant to section 9 of this act*, as approved by the County Treasurer for use by the designated body that submitted the request.~~

~~7. Notwithstanding the provisions of subsection 3 of section 17 of this act, a designated body that receives written notice from the County Treasurer pursuant to subsection 6 shall transfer all available required money to the County Treasurer as soon as practicable following its receipt of any portion of the proceeds. Upon receipt of the money, the County Treasurer shall transfer the money to the designated body that submitted the request, which shall deposit the money in the special revenue fund created by that designated body pursuant to section 17 of this act.~~

~~8. As used in this section, "base fiscal year" means, with respect to a body designated pursuant to subsection 2, Fiscal Year 2009-2010, except that:~~

~~(a) If, in any subsequent fiscal year, the amount approved for expenditure by the body for that subsequent fiscal year for the support of the police department, not including any money received or expended pursuant to this act, exceeds by more than 2 percent the amount approved for expenditure in Fiscal Year 2009-2010, the base fiscal year for that body becomes the most recent of such subsequent fiscal years.~~

~~(b) If the base fiscal year is revised pursuant to paragraph (a) and, in any subsequent fiscal year, the amount approved for expenditure by the~~

~~body for that subsequent fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is equal to or less than the amount approved for expenditure in Fiscal Year 2009-2010, the base fiscal year for that body becomes Fiscal Year 2009-2010 but is subject to subsequent revision pursuant to paragraph (a).]~~ (Deleted by amendment.)

Sec. 15. ~~[Section 13.3 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as added by chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 2, is hereby amended to read as follows:~~

~~"Sec. 13.3. 1. The provisions of paragraph (b) of subsection 1 and subsections 3 to 8, inclusive, of section 13 of this act do not apply to any expenditure of proceeds *received* from any sales and use tax imposed pursuant to this act on or after July 1, 2013, but before July 1, 2016 [.] *, and allocated among the police departments within the County pursuant to section 9 of this act*.~~

~~2. In addition to the requirements of section 13.5 of this act:~~

~~(a) The periodic reports required by that section must include, with respect to the period covered by the report, a separate detailed description of the expenditure of any proceeds *received* from the sales and use tax imposed pursuant to this act *and allocated among the police departments within the County pursuant to section 9 of this act* as a result of the provisions of subsection 1; and~~

~~(b) A governing body that is required to submit a report pursuant to section 13.5 of this act shall submit a copy of the separate detailed description required by paragraph (a) for the period covered by the report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee on or before the date by which the governing body is required to submit the report for that period to the Department pursuant to section 13.5 of this act.]~~ (Deleted by amendment.)

Sec. 16. ~~[Section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as amended by chapter 497, Statutes of Nevada 2011, at page 3160, is hereby amended to read as follows:~~

~~"Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section *12.5 or* 13 of this act shall submit to the Department the periodic reports required pursuant to this section and such other information relating to the provisions of this act as may be requested by the Department.~~

~~2. The reports required pursuant to this section must be submitted:~~

~~(a) On or before:~~

~~(1) February 15 for the 3-month period ending on the immediately preceding December 31;~~

~~(2) May 15 for the 3-month period ending on the immediately preceding March 31;~~

~~(3) August 15 for the 3-month period ending on the immediately preceding June 30; and~~

~~(4) November 15 for the 3-month period ending on the immediately preceding September 30; and~~

~~(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.~~

~~3. Each report must be submitted on a form provided by the Department and include, with respect to the period covered by the report:~~

~~(a) The total proceeds received by the respective police department *or the Clark County School District, as applicable*, from the sales and use tax imposed pursuant to this act . [;]~~

~~(b) A detailed description of the use of the proceeds, including, without limitation:~~

~~(1) The total expenditures made by the respective police department *or the Clark County School District, as applicable*, from the sales and use tax imposed pursuant to this act . [;]~~

~~(2) The total number of police officers hired by the police department [and] *or the total number of school police officers hired by the Clark County School District, as applicable*, the number of those officers that are filling authorized, funded positions for new officers [;] *within the respective police department or the Clark County School District, as applicable*, and *demographic information regarding those officers reported in a manner consistent with the current policies of the respective police department or the Clark County School District, as applicable, concerning the reporting of such information*.~~

~~(3) A detailed analysis of the manner in which each expenditure:~~

~~(I) Conforms to all provisions of this act; and~~

~~(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department [; and] *or which existed before July 1, 2019, for school police officers for the Clark County School District, as applicable*.~~

~~(c) Any other information required to complete the form for the report.~~

~~4. The Department may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section *12.5 or* 13 of this act.]~~ (Deleted by amendment.)

Sec. 17. ~~[Section 14 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as amended by chapter 387, Statutes of Nevada 2009, at page 2097, is hereby amended to read as follows:~~

~~Sec. 14. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the County pursuant to this act must be paid to the Department in the form of remittances payable to the Department.~~

~~2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.~~

~~3. [The] *Except as otherwise provided in section 12.5 of this act, the* State Controller, acting upon the collection data furnished by the Department, shall monthly:~~

~~(a) Transfer from the Sales and Use Tax Account to the appropriate account in the State General Fund 1.75 percent of all fees, taxes, interest and penalties collected pursuant to this act during the preceding month as compensation to the State for the cost of collecting the tax.~~

~~(b) Determine the amount equal to all fees, taxes, interest and penalties collected in or for the County pursuant to this act during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).~~

~~(c) Transfer the amount determined pursuant to paragraph (b) to the Intergovernmental Fund and remit the money to the County Treasurer.]~~ (Deleted by amendment.)

Sec. 18. ~~[Section 15 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 916, is hereby amended to read as follows:~~

~~Sec. 15. The Department may redistribute any proceeds *received* from the tax, interest or penalty collected pursuant to this act which is determined to be improperly distributed [,] *to the respective police departments within the County or the Clark County School District*, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.]~~ (Deleted by amendment.)

Sec. 19. ~~[Section 16 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~Sec. 16. 1. The County Treasurer shall deposit money received from the State Controller pursuant to [paragraph (c) of subsection 3 of] section *12.5 or* 14 of this act into the County Treasury for credit to a fund created for the use of the proceeds *received* from the tax authorized by this act.~~

~~2. The fund of the County created for the use of the proceeds *received* from the tax authorized by this act must be accounted for as a separate fund and not as a part of any other fund.~~

~~3. The County Treasurer upon receipt of the money remitted to him or her pursuant to this section shall distribute it to the appropriate accounts in accordance with the allotments established pursuant to section 9 *or 12.5* of this act.]~~ (Deleted by amendment.)

Sec. 20. ~~[Section 17 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~Sec. 17. 1. *To carry out the provisions of this act:*~~

~~*(a)* The City Treasurers of Boulder City, Henderson, Mesquite and North Las Vegas and the Las Vegas Metropolitan Police Department shall deposit the money received from the County Treasurer pursuant to [subsection 3 of] section 16 of this act into a special revenue fund created for the use of the proceeds *received* from the tax authorized by this act [.] *and allocated among the police departments within the County pursuant to section 9 of this act.*~~

~~*(b) If, pursuant to NRS 387.170, the Board of Trustees:*~~

~~*(1) Has elected to establish and administer a separate account as the County School District Fund pursuant to NRS 354.603, the Board of Trustees shall:*~~

~~*(I) Create a special revenue fund for the use of the proceeds received from the tax authorized by this act and allocated to the Clark County School District pursuant to section 12.5 of this act; and*~~

~~*(II) Deposit the money received from the County Treasurer pursuant to section 16 of this act into the special revenue fund.*~~

~~*(2) Has not elected to establish and administer a separate account as the County School District Fund pursuant to NRS 354.603, the County Treasurer shall:*~~

~~*(I) Create a special revenue fund for the use of the proceeds received from the tax authorized by this act and allocated to the School District pursuant to section 12.5 of this act; and*~~

~~*(II) Deposit the money received by the County Treasurer pursuant to section 16 of this act into the special revenue fund.*~~

~~2. Each special revenue fund created for the use of the proceeds *received* from the tax authorized by this act pursuant to subsection 1 must be accounted for as a separate fund and not as a part of any other fund.~~

~~3. Interest earned on a special revenue fund created pursuant to subsection 1 must be credited to the fund. The money in each such fund must remain in the fund and must not revert to the County Treasury *or the County School District Fund, as applicable*, at the end of any fiscal year.]~~ (Deleted by amendment.)

Sec. 21. ~~[Section 20 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~Sec. 20. In a proceeding arising from an ordinance imposing a tax pursuant to this act, the Department may act for and on behalf of the County [.] *or the Clark County School District, as appropriate for the proceeding.]*~~ (Deleted by amendment.)

Sec. 22. ~~[Section 21 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~Sec. 21. 1. The powers conferred by this act are in addition and supplemental to, and not in substitution for, the powers conferred by any other law and the limitations imposed by this act do not affect the powers conferred by any other law.~~

~~2. This act must not be construed to prevent the exercise of any power granted by any other law to the County *or the Clark County School District, as applicable*, or any officer, agent or employee of the County [.] *or the Clark County School District, as applicable*.~~

~~3. This act must not be construed to repeal or otherwise affect any other law or part thereof [.] *, except that if there is any conflict between the specific provisions of this act and the general provisions of any other law or part thereof, the specific provisions of this act control.*~~

~~4. This act is intended to provide a separate method of accomplishing the objectives of the act, but not an exclusive method.~~

~~5. If any provision of this act, or application thereof to any person, thing or circumstance, is held invalid, the invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.]~~ (Deleted by amendment.)

Sec. 23. ~~[Section 23 of chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~Sec. 23. [1.] This act becomes effective:~~

~~[(a)] *1.* Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~[(b)] *2.* On October 1, 2005, for all other purposes.~~

~~[2. This act expires by limitation on October 1, 2025.]]~~ (Deleted by amendment.)

Sec. 24. ~~[Section 23 of chapter 545, Statutes of Nevada 2007, at page 3428, is hereby amended to read as follows:~~

~~Sec. 23. 1. This section and sections 3 to 22, inclusive, of this act become effective:~~

~~(a) Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On October 1, 2007, for all other purposes.~~

~~2. Sections 1 and 2 of this act become effective on October 1, 2007 . [, and expire by limitation on October 1, 2025.]~~

~~3. Sections 3 to 22, inclusive, of this act expire by limitation on October 1, 2027.]~~ (Deleted by amendment.)

Sec. 25. ~~[Section 28 of chapter 387, Statutes of Nevada 2009, at page 2104, is hereby amended to read as follows:~~

~~Sec. 28. 1. This section and sections 4, 18 and 27 of this act become effective upon passage and approval.~~

~~2. Sections 2, 3, 5, 6, 7, 9, 11 to 16, inclusive, and 19 to 26, inclusive, of this act become effective on July 1, 2009.~~

~~3. Section 17 of this act becomes effective on July 1, 2011.~~

~~4. [Section 20 of this act expires by limitation on September 30, 2025.~~

~~5.] Section 25 of this act expires by limitation on September 30, 2027.~~

~~[6.] 5.~~ Sections 7 and 9 of this act expire by limitation on September 30, 2029.

~~[7.] 6.~~ Sections 8 and 10 of this act become effective on ~~October 1, 2029.]~~ (Deleted by amendment.)

Sec. 26. ~~[Section 3.5 of chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 3, is hereby amended to read as follows:~~

~~Sec. 3.5. 1. If the increase in the rate of the tax authorized by section 3 of this act is enacted pursuant to that section, the County Treasurer of Clark County shall not make any allotment to a police department pursuant to section 9 of the Clark County Sales and Use Tax Act of 2005 of any portion of the proceeds of the increase *allocated among the police departments within Clark County pursuant to section 9 of the Clark County Sales and Use Tax Act of 2005*, unless the County Treasurer is satisfied that the police department will meet the requirements of subsection 1 of section 3.7 of this act.~~

~~2. If the County Treasurer determines pursuant to subsection 1 that an allotment will not be made to a police department, any other police department may apply to the County Treasurer requesting approval for the use by the requesting police department of the unused allotment. If the County Treasurer is satisfied that the requesting police department will meet the requirements of subsection 1 of section 3.7 of this act, the County Treasurer shall make the requested allotment to the requesting police department.]~~ (Deleted by amendment.)

Sec. 27. ~~[Section 3.7 of chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 3, is hereby amended to read as follows:~~

~~Sec. 3.7. 1. A police department shall not expend any portion of an allotment made to it by the County Treasurer pursuant to section 3.5 of this act to employ and equip additional police officers unless:~~

~~(a) The police department employs and equips an equal number of police officers in unfilled budgeted positions for police officers using money other than the proceeds of the increase in the rate of the tax authorized by section 3 of this act [;] *and allocated among the police departments within Clark County pursuant to section 9 of the Clark County Sales and Use Tax Act of 2005*; or~~

~~(b) If, based on the number of budgeted positions for police officers in the police department for the 2013-2014 fiscal year, the police department does not have a sufficient number of unfilled budgeted positions for police officers to match all of the positions that are~~

~~available for funding with the proceeds of the increase in the rate of the tax authorized by section 3 of this act [,] *and allocated among the police departments within Clark County pursuant to section 9 of the Clark County Sales and Use Tax Act of 2005*, the police department applies for and is granted a waiver from the requirements of paragraph (a) by the Committee on Local Government Finance.~~

~~2. The Committee on Local Government Finance shall, on or before September 1 of each year, submit a report to the Legislative Commission that sets forth the number of waivers granted by the Committee pursuant to this section during the immediately preceding fiscal year and the reasons for each such waiver.]~~ (Deleted by amendment.)

Sec. 28. ~~[Section 4 of chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 3, is hereby amended to read as follows:~~

~~Sec. 4. This act becomes effective upon passage and approval . [and expires by limitation on October 1, 2025.]]~~ (Deleted by amendment.)

Sec. 29. ~~[1. There is hereby appropriated from the State General Fund to the School Safety Account the sum of $2,500,000 for the Fiscal Year 2019-2020.~~

~~2. The Department of Education shall transfer money from the appropriation made by subsection 1 to school districts and charter schools for block grants for contract or employee social workers or other licensed mental health workers in schools with identified needs. The money must not be used for administrative expenditures of the Department of Education.~~

~~3. For purposes of the allocations of sums for the block grant program described in subsection 2, eligible licensed social workers or other mental health workers include the following:~~

~~(a) Licensed Clinical Social Worker;~~

~~(b) Social Worker;~~

~~(c) Social Worker Intern with Supervision;~~

~~(d) Clinical Psychologist;~~

~~(e) Psychologist Intern with Supervision;~~

~~(f) Marriage and Family Therapist;~~

~~(g) Mental Health Counselor;~~

~~(h) Community Health Worker;~~

~~(i) School-Based Health Centers; and~~

~~(j) Licensed Nurse.~~

~~4. The money appropriated by subsection 1 must be expended in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.~~

~~5. Any remaining balance of the transfer made by subsection 2 for Fiscal Year 2019-2020 may be carried forward for Fiscal Year 2020-2021, must not~~

~~be committed for expenditure after June 30, 2021, and does not revert to the State General Fund.]~~ (Deleted by amendment.)

Sec. 30. ~~[1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:~~

~~For the Fiscal Year 2019-2020..... $1,500,000~~

~~For the Fiscal Year 2020-2021..... $4,000,000~~

~~2. The Department of Education shall transfer from the appropriation made by subsection 1 to provide grants to public schools to employ and equip school resource officers or school police officers in schools with identified needs on the basis of data relating to school discipline, violence, climate and vulnerability and the ability of the public school to hire school resource officers or school police officers. The money must not be used for administrative expenditures of the Department of Education.~~

~~3. The money transferred pursuant to subsection 2:~~

~~(a) Must be accounted for separately from any other money received by the school districts and charter schools of this State and used only for the purposes specified in subsection 2.~~

~~(b) 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.~~

~~(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.~~

~~4. Any remaining balance of the sums transferred by subsection 1 for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 must not be committed for expenditure after June 30 of each fiscal year and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, for each fiscal year respectively.]~~ (Deleted by amendment.)

Sec. 31. 1. There is hereby appropriated from the State General Fund to the School Safety Account the ~~[sum of $17,500,000 for the Fiscal Year 2020-2021.]~~ following sums:

For the Fiscal Year 2019-2020..... $8,340,845

For the Fiscal Year 2020-2021..... $8,404,930

2. The Department of Education shall transfer from the appropriation made by subsection 1 to provide grants utilizing a competitive grant process based on demonstrated need, within the limits of legislative appropriation, to school districts ~~[in counties whose population is less than 100,000]~~ and to charter schools for school safety facility improvements.

3. Any remaining balance of the appropriation made by subsection 1 ~~[,]~~ for Fiscal Year 2019-2020 must be added to the money appropriated for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the appropriation made by subsection 1 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 32. ~~[1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:~~

~~For the Fiscal Year 2019-2020..... $145,000~~

~~For the Fiscal Year 2020-2021..... $145,000~~

~~2. The money appropriated by subsection 1 must be used by the Department of Education to provide threat assessments and trainings and to provide mobile crisis response team services in counties whose population is less than 100,000.~~

~~3. Any remaining balance of the money appropriated by subsection 1 for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 must not be committed for expenditure after June 30 of each fiscal year and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, for each fiscal year respectively.]~~ (Deleted by amendment.)

Sec. 33. ~~[1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:~~

~~For the Fiscal Year 2019-2020..... $2,000,000~~

~~For the Fiscal Year 2020-2021..... $2,700,000~~

~~2. The money appropriated by subsection 1 must be used by the Department of Education to support the implementation of a program of social, emotional and academic development throughout the public schools in this State, including, without limitation, the development and implementation of a strategic plan to carry out full implementation of such programs within 5 years.~~

~~3. Any remaining balance of the transfer made by subsection 1 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfer made by subsection 1 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.]~~ (Deleted by amendment.)

Sec. 34. ~~[1. There is hereby appropriated from the State General Fund to the Other State Education Programs Account in the State General Fund the following sums:~~

~~For the Fiscal Year 2019-2020..... $2,000,000~~

~~For the Fiscal Year 2020-2021..... $2,000,000~~

~~2. The Department of Education shall use the money appropriated by subsection 1 for competitive state grants to school districts and charter schools for early childhood education programs.~~

~~3. Any remaining balance of the sums transferred by subsection 1 for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 must not be committed for expenditure after June 30 of each fiscal year and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, for each fiscal year respectively.]~~ (Deleted by amendment.)

Sec. 35. ~~[1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 the following sums:~~

~~For the Fiscal Year 2019-2020..... $15,875,000~~

~~For the Fiscal Year 2020-2021..... $15,875,000~~

~~2. The Department of Education shall use the amount determined in subsection 1 to carry out the provisions of section 1 of Senate Bill No. 467 of this session by providing supplemental grants of money to the State Public Charter School Authority and the school districts to include additional schools within the program created by section 1 of Senate Bill No. 467 of this session and supplement the services provided at such schools. The board of trustees of a school district and the State Public Charter School Authority may submit an application to the Department on a form prescribed by the Department.~~

~~3. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfers made pursuant to subsection 2 for Fiscal Year 2020-2021, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.]~~ (Deleted by amendment.)

Sec. 36. ~~[1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 the following sums:~~

~~For the Fiscal Year 2019-2020..... $15,875,000~~

~~For the Fiscal Year 2020-2021..... $15,875,000~~

~~2. The Department of Education shall use the amount determined in subsection 1 to carry out the provisions of section 2 of Senate Bill No. 467 of this session by providing supplemental grants of money to the State Public Charter School Authority and the school districts to include additional schools within the program created by section 2 of Senate Bill No. 467 of this session and supplement the services provided at such schools. The board of trustees of a school district and the State Public Charter School Authority may submit an application to the Department on a form prescribed by the Department.~~

~~3. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfers made pursuant to subsection 2 for Fiscal Year 2020-2021, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.]~~ (Deleted by amendment.)

*Sec. 36.5.* 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 the following sums:

For the Fiscal Year 2019-2020..... $35,081,155
For the Fiscal Year 2020-2021..... $36,848,070

2. The Department of Education shall transfer the sums of money identified in this subsection from the Account for Programs for Innovation and the Prevention of Remediation to the school districts for block grants for the purpose of providing supplemental support to the operation of the school districts. The amount to be transferred for the fiscal year shown is:

| | 2019-2020 | 2020-2021 |
|---|---|---|
| Carson City School District | $631,574 | $663,384 |
| Churchill County School District | 255,461 | 268,328 |
| Clark County School District | 25,892,878 | 27,197,012 |
| Douglas County School District | 458,566 | 481,662 |
| Elko County School District | 772,986 | 811,919 |
| Esmeralda County School District | 5,551 | 5,831 |
| Eureka County School District | 21,379 | 22,456 |
| Humboldt County School District | 273,189 | 286,949 |
| Lander County School District | 78,860 | 82,832 |
| Lincoln County School District | 76,533 | 80,388 |
| Lyon County School District | 681,887 | 716,231 |
| Mineral County School District | 42,868 | 45,027 |
| Nye County School District | 410,922 | 431,619 |
| Pershing County School District | 53,244 | 55,925 |
| Storey County School District | 34,229 | 35,953 |
| Washoe County School District | 5,294,592 | 5,561,262 |
| White Pine County School District | 96,435 | 101,292 |

3. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must be used for the purpose identified in subsection 2 and does not revert to the State General Fund.

Sec. 37. 1. The Legislature hereby finds and declares that the purpose and intent of this act is to maintain and continue the existing legally operative rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110, at 2 percent and 1.475 percent, respectively, without any changes or reductions in the rates of those taxes pursuant to NRS 360.203, as that section existed before the effective date of this act, for any fiscal year beginning on or after July 1, 2015.

2. Notwithstanding any other provisions of law, in order to accomplish and carry out the purpose and intent of this act:

(a) Any determinations or decisions made or actions taken before the effective date of this section by the Department of Taxation pursuant to NRS 360.203, as that section existed before the effective date of this section:

(1) Are superseded, abrogated and nullified by the provisions of this act; and

(2) Have no legal force and effect; and

(b) The Department shall not, under any circumstances, apply or use those determinations, decisions or actions as a basis, cause or reason to reduce the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 for any fiscal year beginning on or after July 1, 2015.

Sec. 38. ~~[Notwithstanding any other provisions of law, the Legislature hereby finds and declares that:~~

~~1. The provisions of this act are not severable; and~~

~~2. If any provisions of this act, or any applications thereof to any persons, things or circumstances:~~

~~(a) Are declared invalid by a court of competent jurisdiction in any judicial proceedings; and~~

~~(b) Any available appeals, petitions or other methods of review concerning the judicial proceedings have been exhausted under the rules governing the judicial proceedings,~~

~~→ such a judicial declaration of invalidity shall be deemed to invalidate the other provisions of this act, whether or not the other provisions of this act can be saved and given effect without the provisions or applications declared invalid by the court, and the invalidation of the other provisions of this act pursuant to this section becomes effective on the date on which the judicial declaration of invalidity becomes final and is no longer subject to any available appeals, petitions or other methods of review under the rules governing the judicial proceedings.]~~ (Deleted by amendment.)

Sec. 39. NRS 360.203 is hereby repealed.

Sec. 40. 1. This section ~~[,]~~ and sections ~~[1 to 28, inclusive,]~~ 2, 3, 37 ~~[, 38]~~ and 39 of this act become effective upon passage and approval.

2. Sections ~~[29 to 36, inclusive,]~~ 2.5, 3.3, 3.7, 31 and 36.5 of this act become effective on July 1, 2019.

~~[3. If the provisions of this act are invalidated as provided in section 38 of this act, this act expires by limitation on the date on which the invalidation of the provisions of this act becomes effective as provided in section 38 of this act.]~~

TEXT OF REPEALED SECTION

360.203 Reduction of rate of certain taxes on business under certain circumstances; duties of Department.

1. Except as otherwise provided in subsection 4, on or before September 30 of each even-numbered year, the Department shall determine the combined revenue from the taxes imposed by chapters 363A and 363B of NRS and the commerce tax imposed by chapter 363C of NRS for the preceding fiscal year.

2. Except as otherwise provided in subsection 4, if the combined revenue determined pursuant to subsection 1 exceeds by more than 4 percent the amount of the combined anticipated revenue from those taxes for that fiscal

year, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year, the Department shall determine the rate at which the taxes imposed pursuant to NRS 363A.130 and 363B.110, in combination with the revenue from the commerce tax imposed by chapter 363C of NRS, would have generated a combined revenue of 4 percent more than the amount anticipated. In making the determination required by this subsection, the Department shall reduce the rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 in the proportion that the actual amount collected from each tax for the preceding fiscal year bears to the total combined amount collected from both taxes for the preceding fiscal year.

3. Except as otherwise provided in subsection 4, effective on July 1 of the odd-numbered year immediately following the year in which the Department made the determination described in subsection 1, the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 that are determined pursuant to subsection 2, rounded to the nearest one-thousandth of a percent, must thereafter be the rate of those taxes, unless further adjusted in a subsequent fiscal year.

4. If, pursuant to subsection 3, the rate of the tax imposed pursuant to NRS 363B.110 is 1.17 percent:

(a) The Department is no longer required to make the determinations required by subsections 1 and 2; and

(b) The rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 must not be further adjusted pursuant to subsection 3.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senators Cannizzaro, Settelmeyer, Hammond, Hansen, Hardy, Pickard and Ratti.

SENATOR CANNIZZARO:

Amendment No. 1120 to Senate Bill No. 551 does several things to change the language of that bill. It removes the provisions included in the original bill relating to the use and sales tax for Clark County or what is commonly referred to as a "More Cops" tax sunset. It also still includes the provisions for the Modified Business Tax (MBT) buy down, and allocates the approximately $100 million in funds from the MBT buy down to various items within school spending. Specifically, the amendment provides that approximately $16.7 million would be allocated for school safety; approximately $72 million would be allocated for school districts through the Account for Programs for Innovation and the prevention of remediation for block grants, for supplemental support for each of the school districts and it adds, over the biennium, $9.5 million to fund current recipients who receive Opportunity Scholarships.

SENATOR SETTELMEYER:

There is no stamp on this amendment requiring this be a two-thirds vote. There was discussion last night in the Committee meeting that it would have this stamp requiring a two-thirds vote. I would like to know about this.

SENATOR CANNIZZARO:

You are correct; this would include a two-thirds stamp. It would be appropriated onto the bill once Legal has reprinted it. It does not appear on the amendment, just as it did not appear on the amendment discussed last night, but that is the intent of the amendment.

SENATOR SETTELMEYER:

That is not how the process works. I am confused as to why this is not in the amendment at this time if it will be in the bill.

SENATOR CANNIZZARO:

On the front page of Amendment No. 1120 to Senate Bill No. 551, there is a small box with tiny print that says, "Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 551…" and lists Sections 2, 3, 37 and 39.

SENATOR SETTELMEYER:

I appreciate the discussion on the two-thirds. I am confused by the way the process has been going this Session on the Constitution. The citizens of Nevada clearly stated anything that raises revenue in any form requires two-thirds. I look at other bills we did such as one related to the Department of Motor Vehicles, and it did not have a two-thirds when clearly it moved the sunset. We looked at an Assembly bill that raised the MBT, and it also did not have a two-thirds. The original version of this bill did not have a two-thirds, and now, we are saying it does, so I am bothered by that fact. The Constitution is not something that can be easily changed by pencil. Because of that, I object to this concept.

SENATOR HAMMOND:

The new amendment is confusing to me because the language looks as if it has not changed. This amendment changes considerable what the parents of the Opportunity Scholarships are used to and what they are going to be able to do. I will speak to that later. I object to the amendment.

SENATOR HANSEN:

I am not on the Committee to deal with this, and I just saw the amendment minutes ago. It mentions it replaces Amendment No. 1097. Did Amendment No. 1097 have the two-thirds requirement included?

SENATOR CANNIZZARO:

The reason for the replacement is that last night, the amendment came out as a Committee amendment. This is a personal amendment since that amendment was not adopted following the Committee do pass vote last night.

SENATOR HANSEN:

I heard the two-thirds requirement was put back into the bill, and now, it has been pulled out. Is there an amendment missing or was there never a two-thirds requirement in this bill? In the MBT process, was there ever an amendment that took the two-thirds requirement off or put it back in?

SENATOR CANNIZZARO:

Last night, in the Senate Committee on Finance, during the hearing and work session on Senate Bill No. 551, there was an amendment proposed and originally adopted by the Committee. That is the amendment to which you refer, Amendment No. 1097, which was going to be placed on the bill. Due to time constraints, the bill was pulled from Committee with a do pass and no amendment. The amendment you are looking at is the exact same amendment. The difference is, Amendment No. 1120 is a personal amendment on behalf of myself rather than the Committee amendment, which would have been Amendment No. 1097. This amendment, as indicated by the box at the top of Amendment No. 1120 on the front page, says it will add a two-thirds requirement to the bill.

SENATOR HARDY:

Section 36.5 provides supplemental support for the operation of the school districts. Sections 31, 32, 33 and section 38 are being deleted. This is deleting the Zoom and Victory schools. Is that a new amendment to delete the Zoom and Victory schools and then proposing supplemental support that can be used however wanted, including going back to the Zoom and Victory schools?

SENATOR CANNIZZARO:
You are correct. The bill as originally drafted had money going to the Zoom and Victory programs. That has been amended and certain portions of those funds are now being directed to a block grant that would allow for supplemental support as the districts see needed. Part of the reason for this was to allow greater flexibility for those school districts to take care of the needs they may have.

SENATOR HARDY:
Does it specifically allow them to use that supplemental money for the Zoom and Victory schools?

SENATOR CANNIZZARO:
No, these monies would not go directly to Zoom and Victory schools.

SENATOR PICKARD:
Has the "More Cops" sunset extension been removed and will it ultimately sunset as originally scheduled?

SENATOR CANNIZZARO:
Those provisions are removed from this bill; however, I believe there is another piece of legislation that addresses this concern.

SENATOR HANSEN:
It says in the amendment that it replaces Amendment No. 1097. No one can find a copy of Amendment No. 1097. I would like to know what we are replacing and would like to have a copy of that amendment. I would like more than an explanation; I would like to be able to read the amendment. Is there a physical copy of Amendment No. 1097?

SENATOR RATTI:
That amendment was adopted in Committee. Last night, you may recall, we rescinded that amendment. This means it never made it to the bill. The only difference between the two amendments, cross my heart and hope to die, is that the original amendment had the Committee's name on it, and this amendment has my colleague to my right's name on it because we are past the Committee process and to the place where it has to be an individual amendment. That is the only difference.

SENATOR HANSEN:
I appreciate that explanation, but this is an example of why, when we have things in this mad rush at the last second, it is a problem. We should be able to see all of these things, as should the press and members of the public. The fact we are doing this, on an important bill, in literally the last few hours and having amendment after amendment, is poor legislating.

Amendment adopted.

Bill read third time.

Remarks by Senators Cannizzaro, Seevers Gansert, Settelmeyer, Hammond, Kieckhefer, Pickard and Hardy.

SENATOR CANNIZZARO:
I rise in strong support of Senate Bill No. 551. Throughout this Legislative Session and in the Committee hearing, we discussed the provisions of Senate Bill No. 551. There is not a person in this Chamber who would disagree we have an upmost obligation to ensure we are putting funding towards education; we must do everything we can to ensure we are putting funding towards education.

A few days ago, I rose on the Floor of this Senate in strong support of one of the many things we are doing to improve education in this State. I would like to remind the Body that I speak as someone who, but for the opportunity to get an education, would not be here with all of you. My parents worked hard every day to make sure we had a roof over our heads and food on the table.

The one thing my parents told me was, if I went to school, got an education and worked hard, I could do anything I wanted. The one thing I wanted to do more than anything in life was to be a lawyer; it is what I wanted to do since I could remember, and because I was able to get a good education and had teachers in the classroom who cared about me, I was able to do that. However, kids like me who have parents who do not have an education and have no other opportunity except that presented to them through an education, cannot succeed if we, in this Body, do not take it very seriously to fund education and put money where it belongs.

Over the course of this Legislative Session, we have done that; we have put more money in education than ever has been put in education in a very long time. That is going to make a difference for students. We have been diligent in ensuring we keep that in the forefront of our minds as we look at the structures around our education funding, around how we support our students, around how we support our teachers, and how we ensure every kid gets the same opportunities I had. It is not, however, complete, and that is what Senate Bill No. 551 does.

Senate Bill No. 551 recognizes that yes, we can say we have done enough, we can walk away from this Legislative Session and say we have done enough with everything we have done, but for me, that is not good enough. For me, that is not good enough because we have an opportunity to take a funding source that will exist in the future and put it towards education. If that is not what we are here to do, then, I am not sure why we are here at all. I understand there are other things that accompany the idea of voting for Senate Bill No. 551, but when we are willing to work together to ensure we are putting forth smart policy, that should be in the forefront. Senate Bill No. 551 is going to provide not only additional funds for school safety—where we know we can spend it appropriately—but it is also going to allow students who were given Opportunity Scholarships to remain on those scholarships for the duration of their education. More importantly, it is going to put more money into school districts, which we know is going to ensure we are putting education first.

I could not stand on this Floor in more support of something this Session. Education funding for me, being able to affect and being able to stand here and say we are putting students and teachers first, is the foundation of why I stand on the Floor of this Senate. Senate Bill No. 551 is absolutely the right thing to do for Nevadans and for students. I urge this Body's support.

SENATOR SEEVERS GANSERT:

I stand among my colleagues on the Senate Floor with a message for them, but also for the citizens, voters and the taxpayers of Nevada; we are accountable to you. You trust us to make decisions that affect our schools, your job security and your quality of life. It is an honor and a privilege to serve you; you elected us to represent you in order to get the people's work done.

In response to Governor's Sisolak's State of the State address, Republicans pledged to find common ground with our colleagues and join together for a common purpose to address immediate and long-term concerns for the common good, and we have. We joined our colleagues to prioritize education.

We enjoy a budget surplus, not a deficit. The Economic Forum forecast over $600 million more in revenue than the last Biennial Budget. We worked with Fiscal staff and, as of this morning, we have confirmed that there remains $100 million of unallocated funds. Again, over $100 million of unallocated funds. Over a week ago, Senate Republicans proposed to require all unallocated funds available during the last days of Session be allocated for education, our joint priority, education. We proposed to safeguard our students by fully funding school safety. We added funds to the Read by Three program and pre-K, and we continued current levels of funding for Nevada's Opportunity Scholarship program. We have been transparent in our work and our proposals, and we will continue to be accountable and transparent in our work.

While this bill includes education, there is no transparency included regarding why more money is needed, especially when fiscal staff has confirmed there are unappropriated funds available to fully cover what is contemplated in this legislation. We agree. We support education. We prioritize education, but we know Nevadans need more transparency in this process and an accounting of why more funds are required. I cannot support Senate Bill No. 551.

SENATOR SETTELMEYER:

I rise in opposition to Senate Bill No. 551. The process this bill has gone through is a subject we have been talking about since the first day of Session. This bill is about one thing, the

constitutional question asked a long time ago. We had a good debate on the amendment, and I appreciate that. I disagree on the process; this type of bill should be discussed. We adjourned the Senate Committee on Finance at 11:47 and came behind the bar at 12:30. I question that this bill could not have been processed for those reasons.

We have an increase in revenue of over $125 million in surplus at this point. If we wish to accomplish the goals of this bill, we could make that decision now and have our priorities. I have sat with leadership and tried to figure out the priorities and where the current money goes so we can have that discussion. That is what this bill is about, it is about the funds. We would like to know where the funds we have spent have gone and if more funds are necessary. In the past, I have indicated I am willing to have that discussion. I do not feel that discussion happened, and for those reasons, I oppose Senate Bill No. 551.

SENATOR HAMMOND:

I rise in opposition to the bill. We looked at the amendment. The rescinded amendment we heard in Committee last night was not friendly to Opportunity Scholarships and did not allow for the addition of siblings. I am trying to process the new amendment to see if that is still in place or if it allows for additional students to be added to the program. The language in subsection 6 does not allow transfer of funds from one entity to another, and I am concerned about that. If one entity is running out of funds and a child is receiving an Opportunity Scholarship, it does not appear to allow the student who is running out of funds to go to a different organization to get additional funds to remain in their school of choice. We have many great schools coming online, both in Las Vegas and eventually in the north, schools like Crystal Ray, a highly anticipated and an innovative school model that will be opening in North Las Vegas this summer with a mission to exclusively serve low-income students. It is likely they will not be able to serve as many students as we had previously thought with these scholarship levels.

My colleague from District 15 stated we have looked at and talked about the numbers, and know the money is there. We should be fully funding the program, not cutting the legs out from under those who are in the program or would like to get into it, especially the siblings of those who are in the program so parents do not have to make a decision about where their children go to school. This would allow siblings to go to the same school as the program grows. This is about allowing children to get into schools where they feel they will get the right education and feel safe from whatever conditions they are leaving. For those reasons, I cannot support this shortsighted aspect of funding education. We have repeatedly pointed out that we have a surplus of $100 million we can tap into to fully fund the programs we are discussing. I cannot support this bill.

SENATOR KIECKHEFER:

Senate Bill No. 551 deals with many things on which we agree. I share my colleague's priority on putting the funding that is available to us into our K-12 education system. I think you would be hard-pressed to find someone on the Floor of this Senate who disagrees. We have the resources to do so, and I urge us to focus those resources in that way. I have been clear since before this Legislative Session started that I would not support a proposal to eliminate the trigger on the Modified Business Tax buy down.

I have never been accused of being a no-new-taxes firebrand. The other night, the Senate Democrat's Twitter feed pointed out all the times I voted to raise taxes for education. I am proud of my record supporting education in our State. That included 2015, when another party was in charge of this process, and we raised $1 billion in new money to fund education. Senate Bill 483 raised additional money for education that included the Commerce Tax, a dollar a pack on cigarettes, business license fees and a substantive increase in the Modified Business Tax. When we imposed this in 2015, we lowered the threshold for who had to pay it from $85,000 in quarterly payroll to $50,000 in quarterly payroll and captured more and smaller businesses into the Modified Business Tax. We also increased the rate from 1.17 percent to 1.475 percent. We captured more Nevada small businesses into paying this tax and raised the rate. We also incorporated mining into the upper tier to ensure they were included in the process.

As we were looking at the process to increase education funding, we also recognized we were raising taxes on many small businesses while simultaneously creating the Commerce Tax to generate new money from the largest businesses in our State. While we struggled with this,

because no one wants to raise taxes on small business, we felt it was the appropriate move at the time because we were not certain what the revenues were going to be from the Commerce Tax. The Modified Business Tax was a way to counterbalance that. The decision was made that when Commerce Tax revenues came in above projection, we would give relief to the small businesses being hit by the increase in the Modified Business Tax, particularly the lowering of the floor from $85,000 a quarter to $50,000 a quarter payroll. That was intentional, and it was done for a purpose. It was critical to finding the votes and putting the votes together for the package included in the bill to fund education in our State. That intention was true at the time and remains true today. The proposal to eliminate it is what prevents me from voting for this bill. From an expenditure perspective, we have the money to fund what is being proposed in this bill without the elimination of the Modified Business Tax buy down. I suggest we do so.

SENATOR PICKARD:

Although there have been many points included in Senate Bill No. 551 upon which we have agreed, the bill, has unfortunately been divisive from the start, and it should not have been. In this Body, there are 13 in the Majority and 8 in the Minority, but I want to speak for a moment to the 13 other people. You told us in 1994 and 1996 that you wanted a higher threshold for tax increases; I am with you. You told us you wanted to make schools safer, particularly in light of more recent events; I am with you. You told us you wanted Opportunity Scholarships to give the most needed and deserving students an opportunity for success they could not have otherwise; I am with you. You told us you wanted cooperation and bipartisanship and not the divisiveness we see in Washington D.C.; I am with you. Unfortunately, only the group of eight seems to be with you now. Everyone, but apparently the group of 13, says this bill falls short.

Indeed, as my colleague from District 15 has eloquently put forth, we have a surplus, and we can do this without raising taxes. The Majority has used the bill on several occasions to hold our children hostage, putting their safety in the crossfire of political gamesmanship. They have bluffed with more cops on the street, and we have called them on it. Now, they are trying to stuff this education funding bill with a tax increase. They have stuffed so much pork into this turkey that it is coming out the beak. We have 12 hours to go to do better for students, parents and teachers. I urge my colleagues to do the right thing and vote this bill down and demand a clean education funding bill.

SENATOR HARDY:

I stand dismayed. If I were to do the math and come up with one party who has $100 million of unallocated funds, I would invite the Executive Branch, the Majority party and the fiscal people to get in the same room and figure out what we do and do not have. If we have $100 million in unallocated funds, and I look at the amount we are using in supplemental funds of approximately $72 million, we have the opportunity to have even more money to use if we find a need for it. There are two issues: one is the amount of money, and one is where the money goes. If we are looking for a larger amount, where does it go and what does it go toward? These are rational things to consider. If we have this disagreement, I think we can come to some kind of agreement. We do not have to have a winner and a loser.

I have voted for taxes before; I admit it, and I have admitted it to my party. The taxes went to something, and I felt good about where they went. I do not feel badly about doing the Opportunity Scholarships, and I do not feel badly about funding education, we need to. I find it curious we are writing the Modified Business Tax buy down. I do not think I need to break my word by now voting for something I said I did not want to do in 2015 when I voted for the raise in the Commerce Tax. We are riding the wrong horse with the Modified Business Tax buy down. We are riding a horse that is richer than we realize by some rational fiscal calculations. We need to get in the same room and come to an agreement. I hope that happens fairly soon.

SENATOR CANNIZZARO:

One of the more interesting things is the characterization that we somehow have a budget surplus in this State; that somehow, we are funding everything with such revenue streams, and we are flush with cash to pay for every little want and wish for which anyone could hope. I can assure this Body, that is not the case. What has happened this Session is our Finance and Ways and Means Chairs, along with their dedicated Committee members, who we appreciate, have done a

remarkable job to ensure we are spending very fiscally responsibly. That has resulted in some leftover money in the budget, but to be sure, it is not a surplus that will fund education long term. Either we can sit here and say that, today, in this moment, there may be some money to put into education; we can say we believe in funding education long term because that need does not go away, or we are just arguing semantics. There is no budget surplus to the extent it will continue to fund education for the long term and moving into the biennium. I urge my colleagues to consider that when looking at the substance of Senate Bill No. 551 and what we are asking.

One of the more interesting things that happened at the hearing was the notion of the Modified Business Tax and the buy down. There seems to be a lot of opposition to that. Most of the individuals who testified on behalf of businesses that are paying this tax testified this is not a tax they had an issue paying. Some even testified they would like it to be higher. The idea we are going to now stand on principle because we should not be rolling this tax back because there is not a need, or we can just cut back on things like Medicaid, food for the elderly, aging and disability services, health and human services or any number of things in that giant budget to fund education in the very short term, is misguided. I cannot stand for that. I especially cannot stand for it when the objection of individuals who are paying the tax is that it should have been a two-thirds. I have heard that, and I have considered it.

What this bill does is say we understand that. If this is the concern, we are meeting you halfway. If it is not the concern, I am not sure what the concern is. We have the sunset of a tax that has been sunsetted time and time again. The idea that we found education had such a need that we were going to do this as part of a tax package and, now, are not recognizing this need still exists to the extent we would be willing to again sunset a tax we have sunsetted multiple times is beyond my comprehension. It might be the case we are going to choose to say we no longer need this because we now find ourselves with money that is one-time or cannot fund education in the long term and are going to go back to a conversation about how this tax would sunset and we believe in it, but the need and reason why this tax exists is still there. If the need is still there, we have an obligation to fund it.

If we are talking about a two-thirds requirement on the front of a bill so we can ask for a two-thirds vote, we are asking for a two-thirds vote from our colleagues. We are meeting them halfway. We are hearing that concern and saying we can work in a bipartisan manner. We can work with them to say the money will go to education. We can say we will work with them to say we want them to join us in seeing that through. If that is not the issue, the only issues I have heard are that there is a budget surplus, which is wholly inaccurate, and that they do not want to extend the tax. This is a choice between giving corporate tax breaks, funding education or ensuring a funding stream that will continue and not just in the very short term. For a State in which everyone recognizes this is important, that education funding is important, I just do not understand.

In this position, in all of our positions, we have to make decisions; that is why we are here. The decision on this is easy. It is not to stand on semantics. It is not to say we believe we can continue to say there are different reasons why, or we do not want to increase revenue to the State because of a tax buy down we voted for in the past and people do not mind paying. We can stand here and say there was a budget surplus because we have managed to take money and not fund some things and have made difficult choices about where to put that money, or we can say we recognize there is a way we can fund education in a smart and efficient manner. I think that is absolutely the decision this Body is being asked to make. We can either chose to give corporate tax breaks, or we can chose to fund education. We are meeting you halfway to do that. I urge my colleagues' support.

Senators Brooks, Parks and Scheible moved the previous question.

Motion carried.

Senators Settelmeyer, Pickard and Hammond requested a roll call vote on Senators Brooks, Parks and Scheible's motion.

Roll call on Senator Brooks, Parks and Scheible's motion:

YEAS—13.

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

Motion carried.

The question being on the passage of Senate Bill No. 551.

Roll call on Senate Bill No. 551:

YEAS—13.

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

Senate Bill No. 551 having failed to receive a two-thirds majority, Madam President declared it lost.

Senator Denis moved that the action whereby the bill was lost be reconsidered.

Motion carried.

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

Motion carried.

Senate in recess at 12:15 p.m.

## SENATE IN SESSION

At 12:30 p.m.

President Marshall presiding.

Quorum present.

Senator Cannizzaro moved that the action whereby Amendment No. 1120 to Senate Bill No. 551 was adopted be rescinded.

Motion carried.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 1121.

SUMMARY—Revises provisions relating to state financial administration. (BDR 32-1286)

AN ACT relating to state financial administration; ~~[revising provisions governing the administration of certain taxes authorized by the Clark County Crime Prevention Act of 2016 and the Clark County Sales and Use Tax Act of 2005; providing for certain proceeds from the taxes authorized by the Clark County Sales and Use Tax Act of 2005 to be used to employ and equip additional school police officers in the Clark County School District; removing the prospective expiration of the Clark County Sales and Use Tax Act of 2005 and amendments and other provisions relating thereto;]~~ eliminating certain duties of the Department of Taxation relating to the commerce tax and the payroll taxes imposed on certain businesses; continuing the existing legally operative rates of the payroll taxes imposed on certain businesses; revising

provisions governing the credits against the payroll taxes imposed on certain businesses for taxpayers who donate money to a scholarship organization; eliminating the education savings accounts program; making appropriations for certain purposes relating to school safety ~~[, early childhood education and Zoom and Victory schools;]~~ and to provide supplemental support of the operation of the school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[ Existing law authorizes the Board of County Commissioners of Clark County to impose a sales and use tax in Clark County to employ and equip additional police officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department. (Clark County Sales and Use Tax Act of 2005) A police department is prohibited from spending the proceeds of the tax unless the expenditure has been approved by a designated body and only if the use will not replace or supplant existing funding for the police department. (Section 13 of chapter 249, Statutes of Nevada 2005, as amended by chapter 497, Statutes of Nevada 2011, p. 3158) Section 10 of this bill authorizes 50 percent of the proceeds of the tax in excess of the amount collected during Fiscal Year 2018-2019 to be transferred each month to the Clark County School District for the purposes of employing and equipping additional school police officers. Sections 1, 4-9, 11-22, 26 and 27 of this bill make conforming changes to impose generally similar requirements on the Clark County School District as are imposed on police departments that receive proceeds of the tax.~~

~~The Clark County Sales and Use Tax Act of 2005 is set to expire on October 1, 2025. (Section 23 of chapter 249, Statutes of Nevada 2005, p. 917) Sections 23-25 and 28 of this bill remove the prospective expiration of the Act and amendments thereto, thereby authorizing the imposition of such a tax in Clark County after October 1, 2025.]~~

Existing law imposes an annual commerce tax on each business entity whose Nevada gross revenue in a fiscal year exceeds $4,000,000, with the rate of the commerce tax based on the industry in which the business entity is primarily engaged. (NRS 363C.200, 363C.300-363C.560) Existing law also imposes: (1) a payroll tax on financial institutions and on mining companies subject to the tax on the net proceeds of minerals, with the rate of the payroll tax set at 2 percent of the amount of the wages, as defined under existing law, paid by the financial institution or mining company during each calendar quarter in connection with its business activities; and (2) a payroll tax on other business entities, with the rate of the payroll tax set at 1.475 percent of the amount of the wages, as defined under existing law but excluding the first $50,000 thereof, paid by the business entity during each calendar quarter in connection with its business activities. (NRS 363A.130, 363B.110, 612.190) However, a business entity that pays both the payroll tax and the commerce tax is entitled

to a credit against the payroll tax of a certain amount of the commerce tax paid by the business entity. (NRS 363A.130, 363B.110)

Existing law further establishes a rate adjustment procedure that is used by the Department of Taxation to determine whether the rates of the payroll taxes should be reduced in future fiscal years under certain circumstances. Under the rate adjustment procedure, on or before September 30 of each even-numbered year, the Department must determine the combined revenue from the commerce tax and the payroll taxes for the preceding fiscal year. If that combined revenue exceeds a certain threshold amount, the Department must make additional calculations to determine future reduced rates for the payroll taxes. However, any future reduced rates for the payroll taxes do not go into effect and become legally operative until July 1 of the following odd-numbered year. (NRS 360.203) This rate adjustment procedure was enacted by the Legislature during the 2015 Legislative Session and became effective on July 1, 2015. (Sections 62 and 114 of chapter 487, Statutes of Nevada 2015, pp. 2896, 2955) Since July 1, 2015, no future reduced rates for the payroll taxes have gone into effect and become legally operative based on the rate adjustment procedure. As a result, the existing legally operative rates of the payroll taxes are still 2 percent and 1.475 percent, respectively. (NRS 363A.130, 363B.110)

Section 39 of this bill eliminates the rate adjustment procedure used by the Department of Taxation to determine whether the rates of the payroll taxes should be reduced in any fiscal year. Section 37 of this bill maintains and continues the existing legally operative rates of the payroll taxes at 2 percent and 1.475 percent, respectively, without any changes or reductions in the rates of those taxes pursuant to the rate adjustment procedure for any fiscal year. Section 37 also provides that the Department must not apply or use the rate adjustment procedure to determine any future reduced rates for the payroll taxes for any fiscal year. Sections 2 and 3 of this bill make conforming changes.

~~[Sections 29-33 of this bill make appropriations for certain purposes relating to school safety. Specifically, section 29 of this bill makes an appropriation for the costs of public schools to retain social workers or other licensed mental health workers. Section 30 of this bill makes an appropriation for the costs of employing and equipping additional school resource officers or school police officers.]~~ Existing law establishes a credit against the payroll tax paid by certain businesses equal to an amount which is approved by the Department and which must not exceed the amount of any donation of money which is made by a taxpayer to a scholarship organization that provides grants on behalf of pupils who are members of a household with a household income which is not more than 300 percent of the federally designated level signifying poverty to attend schools in this State, including private schools, chosen by the parents or legal guardians of those pupils (NRS 363A.130, 363B.110) Under existing law, the Department: (1) is required to approve or deny applications for the tax credit in the order in which the applications are received by the Department;

and (2) is authorized to approve applications for each fiscal year until the amount of tax credits approved for the fiscal year is the amount authorized by statute for that fiscal year. Assembly Bill No. 458 of this legislative session establishes that for Fiscal Years 2019-2020 and 2020-2021, the amount authorized is $6,655,000 for each fiscal year. Sections 2.5 and 3.5 of this bill authorize the Department to approve, in addition to the amount of credits authorized for Fiscal Years 2019-2020 and 2020-2021, an amount of tax credits equal to $4,745,000 for each of those fiscal years. Section 30.75 of this bill: (1) prohibits a scholarship organization from using a donation for which the donor received a tax credit to provide a grant on behalf of a pupil unless the scholarship organization used a donation for which the donor received a tax credit to provide a grant on behalf of the pupil for the immediately preceding scholarship year or reasonably expects to provide a grant of the same amount on behalf of the pupil for each school year until the pupil graduates from high school; and (2) requires a scholarship organization to repay the amount of any tax credit approved by the Department if the scholarship organization violates this provision.

Senate Bill No. 302 (S.B. 302) of the 78th Session of the Nevada Legislature established the education savings accounts program, pursuant to which grants of money are made to certain parents on behalf of their children to defray the cost of instruction outside the public school system. (Chapter 332, Statutes of Nevada 2015, p. 1824; NRS 353B.700-353B.930) Following a legal challenge of S.B. 302, the Nevada Supreme Court held in *Schwartz v. Lopez*, 132 Nev. 732 (2016), that the legislation was valid under Section 2 of Article 11 of the Nevada Constitution, which requires a uniform system of common schools, and under Section 10 of Article 11 of the Nevada Constitution, which prohibits the use of public money for a sectarian purpose. However, the Nevada Supreme Court found that the Legislature did not make an appropriation for the support of the education savings accounts program and held that the use of any money appropriated for K-12 public education for the education savings accounts program would violate Sections 2 and 6 of Article 11 of the Nevada Constitution. The Court enjoined enforcement of section 16 of S.B. 302, which amended NRS 387.124 to require that all money deposited in education savings accounts be subtracted from each school district's quarterly apportionments from the State Distributive School Account. Because the Court has enjoined this provision of law and the Legislature has not made an appropriation for the support of the education savings accounts program, the education savings accounts program is not operating. Section 39.5 of this bill eliminates the education savings accounts program. Sections 30.1-30.7 and 30.8-30.95 of this bill make conforming changes related to the elimination of the education savings accounts program.

Section 31 of this bill makes an appropriation for the costs of school safety facility improvements. ~~[Section 32 of this bill makes an appropriation for the costs of providing threat assessments and trainings and providing mobile crisis response team services in certain counties. Section 33 of this bill makes an~~

~~appropriation to support the implementation of a program of social, emotional and academic development throughout the public schools of this State. Additionally, section 34 of this bill makes an appropriation for early childhood education programs in public schools. Finally, sections 35 and 36 of this bill make appropriations to provide supplemental funding for the Zoom and Victory schools programs to increase the number of schools served by such programs and supplement the services provided at such schools.~~

~~Section 38 of this bill declares that the provisions of this bill are not severable and that a judicial declaration of invalidity of any portion of this bill shall be deemed to invalidate all provisions of this bill. Section 40 of this bill expressly expires by limitation all provisions of this bill upon such a judicial declaration of invalidity.]~~ Section 36.5 of this bill makes an appropriation to provide supplemental support to the operations of the school districts of this State, distributed in amounts based on the 2018 enrollment of the school districts of this State.

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

Section 1. ~~[NRS 360.200 is hereby amended to read as follows:~~

~~360.200 The Department may exercise [the] :~~

~~*1. The* specific powers enumerated in this chapter [and, except] *or any other law; and*~~

~~*2. Except* as otherwise provided [by] *in this chapter or any other* law, [may exercise] general supervision and control over the entire revenue system of the State , including , *without limitation*, the administration of the provisions of chapter 397, Statutes of Nevada 1955, as amended [(NRS] *and codified in* chapter 372 [).] *of NRS, or any special legislative act authorizing or providing for such administration by the Department.]*~~ (Deleted by amendment.)

Sec. 2. NRS 363A.130 is hereby amended to read as follows:

363A.130 1. ~~[Except as otherwise provided in NRS 360.203, there]~~ *There* is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363A.139, to a credit equal to the amount authorized pursuant to NRS 363A.139 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

*Sec. 2.5.* NRS 363A.139 is hereby amended to read as follows:

363A.139 1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection is:

(a) For Fiscal Year 2015-2016, $5,000,000;

(b) For Fiscal Year 2016-2017, $5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

➥ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. ~~[In]~~ *Except as otherwise provided in this subsection, in* addition to the amount of credits authorized by subsection 4 for Fiscal ~~[Year 2017-2018,]~~ *Years 2019-2020 and 2020-2021,* the Department of Taxation may approve applications for the credit authorized by subsection 1 for ~~[that]~~ *each of those* fiscal ~~[year]~~ *years* until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363B.119 is ~~[$20,000,000.]~~ *$4,745,000.* The provisions of paragraph (c) of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to that paragraph. If, in Fiscal Year ~~[2017-2018,]~~ *2019-2020 or 2020-2021,* the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than ~~[$20,000,000,]~~ *$4,745,000,* the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~[$20,000,000.]~~ *$9,490,000.* The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the

tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

Sec. 3. NRS 363B.110 is hereby amended to read as follows:

363B.110 1. ~~[Except as otherwise provided in NRS 360.203, there]~~ *There* is hereby imposed an excise tax on each employer at the rate of 1.475 percent of the amount by which the sum of all the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer exceeds $50,000.

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.

5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363B.119, to a credit equal to the amount authorized pursuant to NRS 363B.119 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

*Sec. 3.5.* NRS 363B.119 is hereby amended to read as follows:

363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.

2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection is:

(a) For Fiscal Year 2015-2016, $5,000,000;

(b) For Fiscal Year 2016-2017, $5,500,000; and

(c) For each succeeding fiscal year, an amount equal to 110 percent of the amount authorized for the immediately preceding fiscal year.

➥ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. In addition to the amount of credits authorized by subsection 4 for Fiscal ~~[Year 2017-2018,]~~ *Years 2019-2020 and 2020-2021,* the Department of Taxation may approve applications for the credit authorized by subsection 1 for ~~[that]~~ *each of those* fiscal ~~[year]~~ *years* until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363A.139 is ~~[$20,000,000.]~~ *$4,745,000.* The provisions of paragraph (c) of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount

of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to that paragraph. If, in Fiscal Year ~~[2017-2018,]~~ *2019-2020 or 2020-2021,* the amount of credits authorized by subsection 1 and approved pursuant to this subsection is less than ~~[$20,000,000,]~~ *$4,745,000,* the remaining amount of credits pursuant to this subsection must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to this subsection is equal to ~~[$20,000,000.]~~ *$9,490,000.* The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.

6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.

7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.

8. As used in this section, "scholarship organization" has the meaning ascribed to it in NRS 388D.260.

Sec. 4. ~~[NRS 354.603 is hereby amended to read as follows:~~

~~"354.603 1. The board of trustees of any county school district, the board of hospital trustees of any county hospital or the board of trustees of any consolidated library district or district library may establish and administer separate accounts in:~~

~~(a) A bank whose deposits are insured by the Federal Deposit Insurance Corporation;~~

~~(b) A credit union whose deposits are insured by the National Credit Union Share Insurance Fund or by a private insurer approved pursuant to NRS 678.755; or~~

~~(c) A savings and loan association or savings bank whose deposits if made by the State, a local government or an agency of either, are insured by the Federal Deposit Insurance Corporation, or the legal successor of the Federal Deposit Insurance Corporation,~~

~~" for money deposited by the county treasurer which is by law to be administered and expended by those boards.~~

~~2. The county treasurer shall transfer the money to a separate account pursuant to subsection 1 when the following conditions are met:~~

~~(a) The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library adopts a resolution declaring an intention to establish and administer a separate account in accordance with the provisions of this section.~~

~~(b) The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library sends a certificate to the county treasurer, the county auditor, the board of county commissioners and, in the case of the board of trustees of the county school district, to the Department of Education, attested by the secretary of the board, declaring the intention of the board to establish and administer a separate account in accordance with the provisions of this section.~~

~~(c) The board of hospital trustees of the county hospital or the board of trustees of the consolidated library district or district library submits monthly reports, listing all transactions involving the separate account, to the county treasurer, the county auditor and the board of county commissioners. The reports must be certified by the secretary of the board. In addition, the board shall give a full account and record of all money in such an account upon request of the board of county commissioners.~~

~~3. The separate account of the board of trustees of the county school district established under the provisions of this section must be composed of:~~

~~(a) The county school district fund. [; and]~~

~~(b) The county school district building and sites fund.~~

~~*(c) Any other fund authorized or required by law.*~~

~~4. The separate account established by the board of county hospital trustees is designated the county hospital fund.~~

~~5. The separate account of the board of trustees of the consolidated library district or district library established under the provisions of this section must be composed of:~~

~~(a) The fund for the consolidated library or district library, as appropriate; and~~

~~(b) The capital projects fund of the consolidated library or district library, as appropriate.~~

~~6. No expenditures from an account may be made in excess of the balance of the account.~~

~~7. Such an account must support all expenditures properly related to the purpose of the fund, excluding direct payments of principal and interest on general obligation bonds, and including, but not limited to, debt service, capital projects, capital outlay and operating expenses.~~

~~8. The board of county commissioners, if it determines that there is clear evidence of misuse or mismanagement of money in any separate account, may order the closing of the account and the return of the money to the county treasury to be administered in accordance with existing provisions of law. The board of trustees of the county school district, the board of hospital trustees of~~

~~the county hospital or the board of trustees of the consolidated library district or district library is entitled to a hearing before the board of county commissioners.]~~ (Deleted by amendment.)

Sec. 5. ~~[NRS 387.175 is hereby amended to read as follows:~~

~~387.175 [The] *1. Except as otherwise provided in this section, the* county school district fund is composed of:~~

~~[1.] *(a)* All local taxes for the maintenance and operation of public schools.~~

~~[2.] *(b)* All money received from the Federal Government for the maintenance and operation of public schools.~~

~~[3.] *(c)* Apportionments by this State as provided in NRS 387.124.~~

~~[4.] *(d)* Any other receipts, including gifts, for the operation and maintenance of the public schools in the county school district.~~

~~*2. If the board of trustees of a county school district is allotted any money to employ and equip additional school police officers pursuant to any special legislative act, the money must be:*~~

~~*(a) Deposited in the appropriate fund in the manner required by the special legislative act; and*~~

~~*(b) Used only for the purposes authorized by the special legislative act.]*~~ (Deleted by amendment.)

Sec. 6. ~~[NRS 387.180 is hereby amended to read as follows:~~

~~387.180 [The] *1. Except as otherwise provided in this section, the* board of trustees of each county school district shall pay all moneys received by it for school purposes into the county treasury at the end of each month to be placed to the credit of the county school district fund or the county school district buildings and sites fund as provided for in this chapter, except when the board of trustees of a county school district has elected to establish and administer a separate account under the provisions of NRS 354.603.~~

~~*2. If the board of trustees of a county school district is allotted any money to employ and equip additional school police officers pursuant to any special legislative act, the money must be:*~~

~~*(a) Deposited in the appropriate fund in the manner required by the special legislative act; and*~~

~~*(b) Used only for the purposes authorized by the special legislative act.]*~~ (Deleted by amendment.)

Sec. 7. ~~[Section 13 of the Clark County Crime Prevention Act of 2016, being chapter 1, Statutes of Nevada 2016, 30th Special Session, at page 9, is hereby amended to read as follows:~~

~~Sec. 13. 1. A body designated pursuant to subsection 1 of section 12 of this act that approves an expenditure pursuant to section 12 of this act shall, for the relevant period, submit to the Department the reports required by this section, which must include, without limitation, the information required by this section and such other information relating to the administration of the provisions of this act as may be requested by the Department.~~

~~2. A body designated pursuant to subsection 1 of section 12 of this act shall submit the reports required by this section on or before:~~

~~(a) February 15, for the 3-month period ending on the immediately preceding December 31;~~

~~(b) May 15, for the 3-month period ending on the immediately preceding March 31;~~

~~(c) August 15, for the 3-month period ending on the immediately preceding June 30;~~

~~(d) November 15, for the 3-month period ending on the immediately preceding September 30; and~~

~~(e) August 15, for the 12-month period ending on the immediately preceding June 30.~~

~~3. Each report submitted pursuant to this section must be submitted on a form provided by the Department, which must be the same form as the form provided for the relevant report required by section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as added by chapter 545, Statutes of Nevada 2007, at page 3422, and amended [by chapter 497, Statutes of Nevada 2011, at page 3160,]~~ *from time to time thereafter*, ~~and must include, with respect to the period covered by the report:~~

~~(a) The total amount of the allocation received by the respective police department from the proceeds of the tax authorized by subsection 1 of section 9 of this act . [;]~~

~~(b) A detailed description of the use of the money allocated to the police department, including, without limitation:~~

~~(1) The total expenditures made by the police department from the allocation . [;]~~

~~(2) The total number of police officers hired by the respective police department, the number of those officers that are filling authorized, funded positions for new officers and demographic information regarding those officers reported in a manner consistent with the current policies of the respective police department concerning the reporting of such information . [; and]~~

~~(3) A detailed analysis of the manner in which each expenditure:~~

~~(I) Conforms to all provisions of this act; and~~

~~(II) Does not replace or supplant funding or staffing levels, which existed before October 1, 2016, for the respective police department . [;]~~

~~(c) An analysis of the manner in which each expenditure is being used to prevent crimes and the effectiveness of each expenditure in preventing crimes . [; and]~~

~~(d) Any other information required to complete the form of the report.~~

~~4. The Metropolitan Police Committee on Fiscal Affairs shall:~~

~~(a) Prepare and submit separate reports as required by this section for the expenditures approved from the allocations received by the Las Vegas Metropolitan Police Department pursuant to paragraphs (a) and (b), respectively, of subsection 3 of section 9 of this act; and~~

~~(b) In addition to all other information required by this section, include in each report submitted pursuant to this section evidence that the expenditures from allocations received by the Las Vegas Metropolitan Police Department pursuant to paragraph (a) of subsection 3 of section 9 of this act are not offsetting, supplanting, replacing or otherwise reducing the amount of money allocated to the Las Vegas Metropolitan Police Department pursuant to paragraph (b) of subsection 3 of section 9 of this act for expenditure on law enforcement and crime prevention in the resort corridor.~~

~~5. The Department may review and investigate the reports submitted pursuant to this section and any expenditure of any proceeds from the tax authorized by subsection 1 of section 9 of this act.]~~ (Deleted by amendment.)

Sec. 8. ~~[The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 5.5, immediately following section 5, to read as follows:~~

~~*Sec. 5.5. "Board of Trustees" means the Board of Trustees of the Clark County School District.]*~~ (Deleted by amendment.)

Sec. 9. ~~[The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 8.5, immediately following section 8, to read as follows:~~

~~*Sec. 8.5. "School police officer" means a person who is employed or appointed to serve as a school police officer in the Clark County School District pursuant to NRS 391.281.]*~~ (Deleted by amendment.)

Sec. 10. ~~[The Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended by adding thereto a new section to be designated as section 12.5, immediately following section 12, to read as follows:~~

~~*Sec. 12.5. 1. During Fiscal Year 2019-2020 and during each fiscal year thereafter, the Department shall determine whether the total amount of the proceeds received from any sales and use tax imposed pursuant to this act during the preceding month exceeds the proceeds received from such a tax during the corresponding month of Fiscal Year 2018-2019. If the proceeds received in the current fiscal year:*~~

~~*(a) Do not exceed the proceeds received from the corresponding month of Fiscal Year 2018-2019, the amount determined by the State Controller pursuant to paragraph (b) of subsection 3 of section 14 of this act must be transferred as provided in paragraph (c) of subsection 3 of section 14 of this act.*~~

*~~(b) Do exceed the proceeds received from the corresponding month of Fiscal Year 2018-2019:~~*

*~~(1) The sum of the amount determined by the State Controller pursuant to paragraph (b) of subsection 3 of section 14 of this act received from such a tax during the corresponding month of Fiscal Year 2018-2019 and 50 percent of the excess must be transferred as provided in paragraph (c) of subsection 3 of section 14 of this act.~~*

*~~(2) Fifty percent of the excess must be transferred to the Clark County School District for the purpose of employing and equipping additional school police officers pursuant to this section.~~*

*~~2. Except as otherwise provided in subsection 3, the Board of Trustees shall not approve the expenditure of the proceeds received by the School District pursuant to this section unless the expenditure:~~*

*~~(a) Is used to employ and equip additional school police officers;~~*

*~~(b) Conforms to all provisions of this act; and~~*

*~~(c) Will not replace or supplant existing funding to employ and equip school police officers.~~*

*~~3. If the Board of Trustees contracts with the Las Vegas Metropolitan Police Department for the provision and supervision of police services pursuant to NRS 391.281:~~*

*~~(a) The Board of Trustees shall, in the terms of the contract, provide for the transfer to the Las Vegas Metropolitan Police Department of the proceeds received by the School District pursuant to this section; and~~*

*~~(b) The body designated pursuant to section 13 of this act to approve expenditures by the Las Vegas Metropolitan Police Department shall not approve the expenditure of the proceeds received by the School District pursuant to this section unless the expenditure:~~*

*~~(1) Is used to employ and equip additional school police officers;~~*

*~~(2) Conforms to all provisions of this act; and~~*

*~~(3) Will not replace or supplant existing funding to employ and equip school police officers.]~~* (Deleted by amendment.)

Sec. 11. ~~[Section 2 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 912, is hereby amended to read as follows:~~

~~Sec. 2. 1. The Legislature hereby finds and declares that:~~

~~[1.] (a) Nevada continues to be the fastest growing state in the nation, with the overwhelming majority of this population growth occurring in Clark County, which adds 6,000 to 7,000 new residents each month;~~

~~[2.] (b) The increase in the number of police officers to protect the residents of Clark County has not kept pace with the explosive growth in the numbers of these residents, so, while the nation as a whole averages 2.5 police officers for each 1,000 residents, the current ratio in Clark County is now only 1.7 police officers for each 1,000 residents;~~

~~[3.] *(c)* The crime rate in Clark County is increasing, and so is the time it takes for police officers to respond when a resident reports a crime, while the very real threat of terrorism means that police now must assume added responsibilities for homeland security;~~

~~[4.] *(d)* A majority of the voters in Clark County approved at the November 2, 2004, General Election Advisory Question No. 9, indicating their support for an increase in the sales tax of up to one-half of 1 percent for the purpose of employing and equipping more police officers to protect the residents of Clark County;~~

~~[5.] *(e)* It is intended that 80 percent of any additional police officers employed and equipped pursuant to this act be assigned to uniform operations for marked patrol units in the community and for the control of traffic; *and*~~

~~[6.] *(f)* It is further intended that each police department that receives proceeds from any sales and use tax imposed pursuant to this act *and allocated among the police departments within Clark County pursuant to section 9 of this act* establish a program that promotes community participation in protecting the residents of the community that includes, without limitation:~~

~~[(a)] *(1)* A written policy of the department that sets forth its position on providing law enforcement services oriented toward the involvement of residents of the community;~~

~~[(b)] *(2)* The provision of training for all police officers employed by the department that includes, without limitation, training related to:~~

~~[(1)] *(I)* Methods that may be used to analyze, respond to and solve problems commonly confronted by police officers in the community;~~

~~(2)] *(II)* The cultural and racial diversity of the residents of the community;~~

~~[(3)] *(III)* The proper utilization of community resources, such as local housing authorities, public utilities and local public officials, that are available to assist in providing law enforcement services; and~~

~~[(4)] *(IV)* Issues concerning not only the prevention of crime, but also concerning improving the quality of life for the residents of the community; and~~

~~[(c)] *(3)* The formation of partnerships with the residents of the community and public and private agencies and organizations to address mutual concerns related to the provision of law enforcement services.~~ [;

~~7. A]~~

~~*2. The Legislature hereby further finds and declares that:*~~

~~*(a) The Clark County School District is one of the largest school districts in the nation when measured either by enrollment or geographic area, and its enrollment of over 320,000 pupils generally ranks as the fifth largest school district by enrollment in the nation and*~~

*its geographic area of almost 8,000 square miles generally ranks as the seventh largest school district by geographic area in the continental United States;*

*(b) A safe and secure environment in the public schools and other facilities in the Clark County School District is necessary and essential for the School District to fulfill its educational mission and successfully teach, instruct and educate the pupils enrolled in the School District;*

*(c) There are substantial dangers and threats to the safety of the public schools and other facilities in the Clark County School District, such as school violence, illegal weapons, illicit drugs and inappropriate and unlawful sexual conduct, that have become more frequent and severe, more difficult to police and more challenging in terms of providing effective and timely responses by the limited and overextended resources of the school police officers in the School District; and*

*(d) It is therefore necessary and essential for the protection of the safety of the public schools and other facilities in the Clark County School District to employ and equip additional school police officers in the School District as provided by this act.*

~~3. The Legislature hereby further finds and declares that a general law cannot be made applicable to the purposes, objects, powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act because of [the] :~~

~~(a) The demographic, economic and geographic diversity of the local governments [of] and school districts in this State [, the] ; and~~

~~(b) The special and unique growth patterns , [occurring in Clark County and the special] financial conditions [experienced] and dangers and threats to the safety of the public in Clark County and the safety of the public schools and other facilities in the Clark County [related to] School District, and the corresponding challenges in providing effective and timely police protection under those special and unique circumstances, which:~~

~~(1) Are not reasonably comparable to anywhere else in this State; and~~

~~(2) Create the ongoing need to employ and equip more [police officers; and~~

~~8. The] :~~

~~(I) Police officers for the protection of the safety of the public in Clark County, as the most populous county in this State; and~~

~~(II) School police officers for the protection of the safety of the public schools and other facilities in the Clark County School District, as the largest school district in this State in terms of enrollment and one of the largest school districts in the nation in terms of enrollment and geographic area.~~

~~*4. The Legislature hereby further finds and declares that the* powers, rights, privileges, immunities, liabilities, duties and disabilities provided in this act *must* comply in all respects with any requirement or limitation pertaining thereto and imposed by any constitutional provisions.]~~ (Deleted by amendment.)

Sec. 12. ~~[Section 3 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 914, 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 chapter 374 of NRS, as from time to time amended, but the definitions in sections 4 to [8,] *8.5*, inclusive, of this act, unless the context otherwise requires, govern the construction of this act.]~~ (Deleted by amendment.)

Sec. 13. ~~[Section 9 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 914, is hereby amended to read as follows:~~

~~Sec. 9. 1. The Board may enact an ordinance imposing a local sales and use tax *pursuant to this act. If the Board enacts or has enacted such an ordinance, the proceeds received from the tax authorized pursuant to this section must be used* to employ and equip additional [police].~~ :

~~*(a) Police* officers for the Boulder City Police Department, Henderson Police Department, Las Vegas Metropolitan Police Department, Mesquite Police Department and North Las Vegas Police Department.~~

~~*(b) School police officers for the Clark County School District pursuant to section 12.5 of this act.*~~

~~2. Before enacting such an ordinance, the Board shall hold a public hearing to present its plan for implementing the local sales and use tax.~~

~~3. The proceeds *received* from the tax authorized pursuant to this section, including interest and other income earned thereon, must be:~~

~~(a) Allocated *as follows:*~~

~~*(1) Subject to the limitations set forth in section 12.5 of this act,* among the police departments within the County in the same ratio that the population served by each department bears to the total population of the County. As used in this [paragraph,] *subparagraph*, "population" means the estimated annual population determined pursuant to NRS 360.283.~~

~~*(2) To the Clark County School District pursuant to section 12.5 of this act.*~~

~~(b) Used only as approved pursuant to section *12.5 or 13* of this act and only for the purposes set forth in this section *or section 12.5 of this act* unless the Legislature changes the use. [The]~~

~~*4. If the Board wants to change the uses for the proceeds received from the tax and allocated among the police departments within the County, the* Board shall, before submitting to the Legislature any request to change the uses for [the] *such* proceeds *received* from the tax, submit an advisory question to the voters of the County pursuant to NRS 295.230, asking whether the uses for [the] *such* proceeds *received* from the tax should be so changed. The Board shall not submit such a request to the Legislature if a majority of the voters in the County disapprove the proposed change.]~~ (Deleted by amendment.)

Sec. 14. ~~[Section 13 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as amended by chapter 497, Statutes of Nevada 2011, at page 3158, is hereby amended to read as follows:~~

~~Sec. 13. 1. A police department shall not expend proceeds received from any sales and use tax imposed pursuant to this act *and allocated among the police departments within the County pursuant to section 9 of this act* unless the expenditure has been approved by the body designated pursuant to this section for the approval of expenditures of that police department. The body designated pursuant to this section must approve the expenditure of the proceeds by the police department if it determines that:~~

~~(a) The proposed use of the money conforms to all provisions of this act; and~~

~~(b) The proposed use will not replace or supplant existing funding for the police department.~~

~~2. The body designated to approve an expenditure for:~~

~~(a) The Boulder City Police Department is the City Council of the City of Boulder City;~~

~~(b) The Henderson Police Department is the City Council of the City of Henderson;~~

~~(c) The Las Vegas Metropolitan Police Department is the Metropolitan Police Committee on Fiscal Affairs;~~

~~(d) The Mesquite Police Department is the City Council of the City of Mesquite; and~~

~~(e) The North Las Vegas Police Department is the City Council of the City of North Las Vegas.~~

~~3. In determining that a proposed use meets the requirement set forth in paragraph (b) of subsection 1, a body designated pursuant to subsection 2 must find that either:~~

~~(a) The amount approved for expenditure by the body for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the amount approved for expenditure in the immediately preceding fiscal year for the support of the police department; or~~

~~(b) The amount approved for expenditure by the body for the fiscal year for the support of the police department, not including any money~~

~~received or expended pursuant to this act, is less than the amount approved for expenditure in the immediately preceding fiscal year for the support of the police department and the body projects a decrease in its receipt of revenue in that fiscal year from consolidated taxes and property taxes of more than 2 percent from its base fiscal year.~~

~~4. If a body designated pursuant to subsection 2 makes a finding pursuant to subsection 3, the body shall adopt a resolution setting forth the finding and the reasons therefor. If the finding is made pursuant to paragraph (b) of subsection 3, the finding must include, without limitation, all facts supporting the projection of a decrease in revenue.~~

~~5. If a body designated pursuant to subsection 2 does not make a finding pursuant to subsection 3 for a fiscal year on or before July 1 of that fiscal year, the body shall retain the proceeds received for that fiscal year from any sales and use tax imposed pursuant to this act *and allocated among the police departments within the County pursuant to section 9 of this act* in the special revenue fund created by the body pursuant to section 17 of this act for use pursuant to this section. Any other body designated pursuant to subsection 2 which makes a finding pursuant to subsection 3 for that fiscal year may apply to the County Treasurer requesting approval for the use by the police department for which the other body approves expenditures of any portion of those proceeds in accordance with the provisions of this section.~~

~~6. The County Treasurer, upon receiving a request pursuant to subsection 5 and proper documentation of compliance with the provisions of this section, shall provide written notice to the designated body which failed to make a finding pursuant to subsection 3 that it is required to transfer from the special revenue fund created by the body pursuant to section 17 of this act to the County Treasurer such amount of the proceeds received for that fiscal year from any sales and use tax imposed pursuant to this act *and allocated among the police departments within the County pursuant to section 9 of this act*, as approved by the County Treasurer for use by the designated body that submitted the request.~~

~~7. Notwithstanding the provisions of subsection 3 of section 17 of this act, a designated body that receives written notice from the County Treasurer pursuant to subsection 6 shall transfer all available required money to the County Treasurer as soon as practicable following its receipt of any portion of the proceeds. Upon receipt of the money, the County Treasurer shall transfer the money to the designated body that submitted the request, which shall deposit the money in the special revenue fund created by that designated body pursuant to section 17 of this act.~~

~~8. As used in this section, "base fiscal year" means, with respect to a body designated pursuant to subsection 2, Fiscal Year 2009-2010, except that:~~

~~(a) If, in any subsequent fiscal year, the amount approved for expenditure by the body for that subsequent fiscal year for the support of the police department, not including any money received or expended pursuant to this act, exceeds by more than 2 percent the amount approved for expenditure in Fiscal Year 2009-2010, the base fiscal year for that body becomes the most recent of such subsequent fiscal years.~~

~~(b) If the base fiscal year is revised pursuant to paragraph (a) and, in any subsequent fiscal year, the amount approved for expenditure by the body for that subsequent fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is equal to or less than the amount approved for expenditure in Fiscal Year 2009-2010, the base fiscal year for that body becomes Fiscal Year 2009-2010 but is subject to subsequent revision pursuant to paragraph (a).]~~ (Deleted by amendment.)

Sec. 15. ~~[Section 13.3 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as added by chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 2, is hereby amended to read as follows:~~

~~Sec. 13.3. 1. The provisions of paragraph (b) of subsection 1 and subsections 3 to 8, inclusive, of section 13 of this act do not apply to any expenditure of proceeds *received* from any sales and use tax imposed pursuant to this act on or after July 1, 2013, but before July 1, 2016 [.] , *and allocated among the police departments within the County pursuant to section 9 of this act.*~~

~~2. In addition to the requirements of section 13.5 of this act:~~

~~(a) The periodic reports required by that section must include, with respect to the period covered by the report, a separate detailed description of the expenditure of any proceeds *received* from the sales and use tax imposed pursuant to this act *and allocated among the police departments within the County pursuant to section 9 of this act* as a result of the provisions of subsection 1; and~~

~~(b) A governing body that is required to submit a report pursuant to section 13.5 of this act shall submit a copy of the separate detailed description required by paragraph (a) for the period covered by the report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee on or before the date by which the governing body is required to submit the report for that period to the Department pursuant to section 13.5 of this act.]~~ (Deleted by amendment.)

Sec. 16. ~~[Section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as amended by chapter 497, Statutes of Nevada 2011, at page 3160, is hereby amended to read as follows:~~

~~Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section *12.5 or* 13 of this act shall submit to the Department the periodic reports required pursuant to this section and~~

~~such other information relating to the provisions of this act as may be requested by the Department.~~

~~2. The reports required pursuant to this section must be submitted:~~

~~(a) On or before:~~

~~(1) February 15 for the 3-month period ending on the immediately preceding December 31;~~

~~(2) May 15 for the 3-month period ending on the immediately preceding March 31;~~

~~(3) August 15 for the 3-month period ending on the immediately preceding June 30; and~~

~~(4) November 15 for the 3-month period ending on the immediately preceding September 30; and~~

~~(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.~~

~~3. Each report must be submitted on a form provided by the Department and include, with respect to the period covered by the report:~~

~~(a) The total proceeds received by the respective police department *or the Clark County School District, as applicable*, from the sales and use tax imposed pursuant to this act . [;]~~

~~(b) A detailed description of the use of the proceeds, including, without limitation:~~

~~(1) The total expenditures made by the respective police department *or the Clark County School District, as applicable*, from the sales and use tax imposed pursuant to this act . [;]~~

~~(2) The total number of police officers hired by the police department [and] *or the total number of school police officers hired by the Clark County School District, as applicable*, the number of those officers that are filling authorized, funded positions for new officers [;] *within the respective police department or the Clark County School District, as applicable*, and *demographic information regarding those officers reported in a manner consistent with the current policies of the respective police department or the Clark County School District, as applicable, concerning the reporting of such information.*~~

~~(3) A detailed analysis of the manner in which each expenditure:~~

~~(I) Conforms to all provisions of this act; and~~

~~(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department [; and] *or which existed before July 1, 2019, for school police officers for the Clark County School District, as applicable.*~~

~~(c) Any other information required to complete the form for the report.7557~~

~~4. The Department may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section *12.5 or* 13 of this act.]~~ (Deleted by amendment.)

Sec. 17. ~~[Section 14 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as amended by chapter 387, Statutes of Nevada 2009, at page 2097, is hereby amended to read as follows:~~

~~"Sec. 14. 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the County pursuant to this act must be paid to the Department in the form of remittances payable to the Department.~~

~~2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.~~

~~3. [The] *Except as otherwise provided in section 12.5 of this act, the* State Controller, acting upon the collection data furnished by the Department, shall monthly:~~

~~(a) Transfer from the Sales and Use Tax Account to the appropriate account in the State General Fund 1.75 percent of all fees, taxes, interest and penalties collected pursuant to this act during the preceding month as compensation to the State for the cost of collecting the tax.~~

~~(b) Determine the amount equal to all fees, taxes, interest and penalties collected in or for the County pursuant to this act during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).~~

~~(c) Transfer the amount determined pursuant to paragraph (b) to the Intergovernmental Fund and remit the money to the County Treasurer.]~~ (Deleted by amendment.)

Sec. 18. ~~[Section 15 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 916, is hereby amended to read as follows:~~

~~"Sec. 15. The Department may redistribute any proceeds *received* from the tax, interest or penalty collected pursuant to this act which is determined to be improperly distributed [,] *to the respective police departments within the County or the Clark County School District*, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.~~ ] (Deleted by amendment.)

Sec. 19. ~~[Section 16 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~"Sec. 16. 1. The County Treasurer shall deposit money received from the State Controller pursuant to [paragraph (c) of subsection 3 of] section *12.5 or* 14 of this act into the County Treasury for credit to a fund created for the use of the proceeds *received* from the tax authorized by this act.~~

~~2. The fund of the County created for the use of the proceeds *received* from the tax authorized by this act must be accounted for as a separate fund and not as a part of any other fund.~~

~~3. The County Treasurer upon receipt of the money remitted to him or her pursuant to this section shall distribute it to the appropriate accounts in accordance with the allotments established pursuant to section 9 *or 12.5* of this act.]~~ (Deleted by amendment.)

Sec. 20. ~~[Section 17 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~"Sec. 17. 1. *To carry out the provisions of this act:*~~

~~*(a)* The City Treasurers of Boulder City, Henderson, Mesquite and North Las Vegas and the Las Vegas Metropolitan Police Department shall deposit the money received from the County Treasurer pursuant to [subsection 3 of] section 16 of this act into a special revenue fund created for the use of the proceeds *received* from the tax authorized by this act [.] *and allocated among the police departments within the County pursuant to section 9 of this act.*~~

~~*(b) If, pursuant to NRS 387.170, the Board of Trustees:*~~

~~*(1) Has elected to establish and administer a separate account as the County School District Fund pursuant to NRS 354.603, the Board of Trustees shall:*~~

~~*(I) Create a special revenue fund for the use of the proceeds received from the tax authorized by this act and allocated to the Clark County School District pursuant to section 12.5 of this act; and*~~

~~*(II) Deposit the money received from the County Treasurer pursuant to section 16 of this act into the special revenue fund.*~~

~~*(2) Has not elected to establish and administer a separate account as the County School District Fund pursuant to NRS 354.603, the County Treasurer shall:*~~

~~*(I) Create a special revenue fund for the use of the proceeds received from the tax authorized by this act and allocated to the School District pursuant to section 12.5 of this act; and*~~

~~*(II) Deposit the money received by the County Treasurer pursuant to section 16 of this act into the special revenue fund.*~~

~~2. Each special revenue fund created for the use of the proceeds *received* from the tax authorized by this act pursuant to subsection 1 must be accounted for as a separate fund and not as a part of any other fund.~~

~~3. Interest earned on a special revenue fund created pursuant to subsection 1 must be credited to the fund. The money in each such fund must remain in the fund and must not revert to the County Treasury or *the County School District Fund, as applicable,* at the end of any fiscal year.]~~ (Deleted by amendment.)

Sec. 21. ~~[Section 20 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~Sec. 20. In a proceeding arising from an ordinance imposing a tax pursuant to this act, the Department may act for and on behalf of the County [.] *or the Clark County School District, as appropriate for the proceeding.*]~~ (Deleted by amendment.)

Sec. 22. ~~[Section 21 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~Sec. 21. 1. The powers conferred by this act are in addition and supplemental to, and not in substitution for, the powers conferred by any other law and the limitations imposed by this act do not affect the powers conferred by any other law.~~

~~2. This act must not be construed to prevent the exercise of any power granted by any other law to the County *or the Clark County School District, as applicable*, or any officer, agent or employee of the County [.] *or the Clark County School District, as applicable*.~~

~~3. This act must not be construed to repeal or otherwise affect any other law or part thereof [.] *, except that if there is any conflict between the specific provisions of this act and the general provisions of any other law or part thereof, the specific provisions of this act control.*~~

~~4. This act is intended to provide a separate method of accomplishing the objectives of the act, but not an exclusive method.~~

~~5. If any provision of this act, or application thereof to any person, thing or circumstance, is held invalid, the invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.]~~ (Deleted by amendment.)

Sec. 23. ~~[Section 23 of chapter 249, Statutes of Nevada 2005, at page 917, is hereby amended to read as follows:~~

~~Sec. 23. [1.] This act becomes effective:~~

~~[(a)] *1.* Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~[(b)] *2.* On October 1, 2005, for all other purposes.~~

~~[2. This act expires by limitation on October 1, 2025.]]~~ (Deleted by amendment.)

Sec. 24. ~~[Section 23 of chapter 545, Statutes of Nevada 2007, at page 3428, is hereby amended to read as follows:~~

~~Sec. 23. 1. This section and sections 3 to 22, inclusive, of this act become effective:~~

~~(a) Upon passage and approval for the purposes of enacting ordinances and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On October 1, 2007, for all other purposes.~~

~~2. Sections 1 and 2 of this act become effective on October 1, 2007 . [, and expire by limitation on October 1, 2025.]~~

~~3. Sections 3 to 22, inclusive, of this act expire by limitation on October 1, 2027.]~~ (Deleted by amendment.)

Sec. 25. ~~[Section 28 of chapter 387, Statutes of Nevada 2009, at page 2104, is hereby amended to read as follows:~~

~~Sec. 28. 1. This section and sections 4, 18 and 27 of this act become effective upon passage and approval.~~

~~2. Sections 2, 3, 5, 6, 7, 9, 11 to 16, inclusive, and 19 to 26, inclusive, of this act become effective on July 1, 2009.~~

~~3. Section 17 of this act becomes effective on July 1, 2011.~~

~~4. [Section 20 of this act expires by limitation on September 30, 2025.~~

~~5.] Section 25 of this act expires by limitation on September 30, 2027.~~

~~[6.] 5. Sections 7 and 9 of this act expire by limitation on September 30, 2029.~~

~~[7.] 6. Sections 8 and 10 of this act become effective on October 1, 2029.]~~ (Deleted by amendment.)

Sec. 26. ~~[Section 3.5 of chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 3, is hereby amended to read as follows:~~

~~Sec. 3.5. 1. If the increase in the rate of the tax authorized by section 3 of this act is enacted pursuant to that section, the County Treasurer of Clark County shall not make any allotment to a police department pursuant to section 9 of the Clark County Sales and Use Tax Act of 2005 of any portion of the proceeds of the increase *allocated among the police departments within Clark County pursuant to section 9 of the Clark County Sales and Use Tax Act of 2005*, unless the County Treasurer is satisfied that the police department will meet the requirements of subsection 1 of section 3.7 of this act.~~

~~2. If the County Treasurer determines pursuant to subsection 1 that an allotment will not be made to a police department, any other police department may apply to the County Treasurer requesting approval for the use by the requesting police department of the unused allotment. If the County Treasurer is satisfied that the requesting police department will meet the requirements of subsection 1 of section 3.7 of this act, the County Treasurer shall make the requested allotment to the requesting police department.]~~ (Deleted by amendment.)

Sec. 27. ~~[Section 3.7 of chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 3, is hereby amended to read as follows:~~

~~Sec. 3.7. 1. A police department shall not expend any portion of an allotment made to it by the County Treasurer pursuant to section 3.5 of this act to employ and equip additional police officers unless:~~

~~(a) The police department employs and equips an equal number of police officers in unfilled budgeted positions for police officers using money other than the proceeds of the increase in the rate of the tax authorized by section 3 of this act [;] *and allocated among the police*~~

~~*departments within Clark County pursuant to section 9 of the Clark County Sales and Use Tax Act of 2005;* or~~

~~(b) If, based on the number of budgeted positions for police officers in the police department for the 2013-2014 fiscal year, the police department does not have a sufficient number of unfilled budgeted positions for police officers to match all of the positions that are available for funding with the proceeds of the increase in the rate of the tax authorized by section 3 of this act [,] *and allocated among the police departments within Clark County pursuant to section 9 of the Clark County Sales and Use Tax Act of 2005*, the police department applies for and is granted a waiver from the requirements of paragraph (a) by the Committee on Local Government Finance.~~

~~2. The Committee on Local Government Finance shall, on or before September 1 of each year, submit a report to the Legislative Commission that sets forth the number of waivers granted by the Committee pursuant to this section during the immediately preceding fiscal year and the reasons for each such waiver.]~~ (Deleted by amendment.)

Sec. 28. ~~[Section 4 of chapter 1, Statutes of Nevada 2013, 27th Special Session, at page 3, is hereby amended to read as follows:~~

~~Sec. 4. This act becomes effective upon passage and approval . [and expires by limitation on October 1, 2025.]]~~ (Deleted by amendment.)

Sec. 29. ~~[1. There is hereby appropriated from the State General Fund to the School Safety Account the sum of $2,500,000 for the Fiscal Year 2019-2020.~~

~~2. The Department of Education shall transfer money from the appropriation made by subsection 1 to school districts and charter schools for block grants for contract or employee social workers or other licensed mental health workers in schools with identified needs. The money must not be used for administrative expenditures of the Department of Education.~~

~~3. For purposes of the allocations of sums for the block grant program described in subsection 2, eligible licensed social workers or other mental health workers include the following:~~

~~(a) Licensed Clinical Social Worker;~~

~~(b) Social Worker;~~

~~(c) Social Worker Intern with Supervision;~~

~~(d) Clinical Psychologist;~~

~~(e) Psychologist Intern with Supervision;~~

~~(f) Marriage and Family Therapist;~~

~~(g) Mental Health Counselor;~~

~~(h) Community Health Worker;~~

~~(i) School-Based Health Centers; and~~

~~(j) Licensed Nurse.~~

~~4. The money appropriated by subsection 1 must be expended in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.~~

~~5. Any remaining balance of the transfer made by subsection 2 for Fiscal Year 2019-2020 may be carried forward for Fiscal Year 2020-2021, must not be committed for expenditure after June 30, 2021, and does not revert to the State General Fund.]~~ (Deleted by amendment.)

Sec. 30. ~~[1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:~~

~~For the Fiscal Year 2019-2020..... $1,500,000~~

~~For the Fiscal Year 2020-2021..... $4,000,000~~

~~2. The Department of Education shall transfer from the appropriation made by subsection 1 to provide grants to public schools to employ and equip school resource officers or school police officers in schools with identified needs on the basis of data relating to school discipline, violence, climate and vulnerability and the ability of the public school to hire school resource officers or school police officers. The money must not be used for administrative expenditures of the Department of Education.~~

~~3. The money transferred pursuant to subsection 2:~~

~~(a) Must be accounted for separately from any other money received by the school districts and charter schools of this State and used only for the purposes specified in subsection 2.~~

~~(b) 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.~~

~~(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.~~

~~4. Any remaining balance of the sums transferred by subsection 1 for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 must not be committed for expenditure after June 30 of each fiscal year and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, for each fiscal year respectively.]~~ (Deleted by amendment.)

*Sec. 30.1.* NRS 219A.140 is hereby amended to read as follows:

219A.140 1. To be eligible to serve on the Youth Legislature, a person:

(a) Must be:

(1) A resident of the senatorial district of the Senator who appoints him or her;

(2) Enrolled in a public school or private school located in the senatorial district of the Senator who appoints him or her; or

(3) A homeschooled child ~~[or opt-in child]~~ who is otherwise eligible to be enrolled in a public school in the senatorial district of the Senator who appoints him or her;

(b) Except as otherwise provided in subsection 3 of NRS 219A.150, must be:

(1) Enrolled in a public school or private school in this State in grade 9, 10 or 11 for the first school year of the term for which he or she is appointed; or

(2) A homeschooled child ~~[or opt-in child]~~ who is otherwise eligible to enroll in a public school in this State in grade 9, 10 or 11 for the first school year of the term for which he or she is appointed; and

(c) Must not be related by blood, adoption or marriage within the third degree of consanguinity or affinity to the Senator who appoints him or her or to any member of the Assembly who collaborated to appoint him or her.

2. If, at any time, a person appointed to the Youth Legislature changes his or her residency or changes his or her school of enrollment in such a manner as to render the person ineligible under his or her original appointment, the person shall inform the Board, in writing, within 30 days after becoming aware of such changed facts.

3. A person who wishes to be appointed or reappointed to the Youth Legislature must submit an application on the form prescribed pursuant to subsection 4 to the Senator of the senatorial district in which the person resides, is enrolled in a public school or private school or, if the person is a homeschooled child, ~~[or opt-in child,]~~ the senatorial district in which he or she is otherwise eligible to be enrolled in a public school. A person may not submit an application to more than one Senator in a calendar year.

4. The Board shall prescribe a form for applications submitted pursuant to this section, which must require the signature of the principal of the school in which the applicant is enrolled or, if the applicant is a homeschooled child, ~~[or opt-in child,]~~ the signature of a member of the community in which the applicant resides other than a relative of the applicant.

*Sec. 30.15.* NRS 219A.150 is hereby amended to read as follows:

219A.150 1. A position on the Youth Legislature becomes vacant upon:

(a) The death or resignation of a member.

(b) The absence of a member for any reason from:

(1) Two meetings of the Youth Legislature, including, without limitation, meetings conducted in person, meetings conducted by teleconference, meetings conducted by videoconference and meetings conducted by other electronic means;

(2) Two activities of the Youth Legislature;

(3) Two event days of the Youth Legislature; or

(4) Any combination of absences from meetings, activities or event days of the Youth Legislature, if the combination of absences therefrom equals two or more,

➥ unless the absences are, as applicable, excused by the Chair or Vice Chair of the Board.

(c) A change of residency or a change of the school of enrollment of a member which renders that member ineligible under his or her original appointment.

2. In addition to the provisions of subsection 1, a position on the Youth Legislature becomes vacant if:

(a) A member of the Youth Legislature graduates from high school or otherwise ceases to attend public school or private school for any reason other than to become a homeschooled child ; ~~[or opt-in child;]~~ or

(b) A member of the Youth Legislature who is a homeschooled child ~~[or opt-in child]~~ completes an educational plan of instruction for grade 12 or otherwise ceases to be a homeschooled child ~~[or opt-in child]~~ for any reason other than to enroll in a public school or private school.

3. A vacancy on the Youth Legislature must be filled:

(a) For the remainder of the unexpired term in the same manner as the original appointment, except that, if the remainder of the unexpired term is less than 1 year, the member of the Senate who made the original appointment may appoint a person who:

(1) Is enrolled in a public school or private school in this State in grade 12 or who is a homeschooled child ~~[or opt-in child]~~ who is otherwise eligible to enroll in a public school in this State in grade 12; and

(2) Satisfies the qualifications set forth in paragraphs (a) and (c) of subsection 1 of NRS 219A.140.

(b) Insofar as is practicable, within 30 days after the date on which the vacancy occurs.

4. As used in this section, "event day" means any single calendar day on which an official, scheduled event of the Youth Legislature is held, including, without limitation, a course of instruction, a course of orientation, a meeting, a seminar or any other official, scheduled activity.

*Sec. 30.2.* NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070 . ~~[, but does not include an opt-in child.]~~

5. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

6. ~~["Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time~~

~~in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.~~

~~7.]~~ "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

~~[8.]~~ *7.* "School bus" has the meaning ascribed to it in NRS 484A.230.

~~[9.]~~ *8.* "State Board" means the State Board of Education.

~~[10.]~~ *9.* "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

*Sec. 30.25.* NRS 385B.060 is hereby amended to read as follows:

385B.060 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of this chapter. The regulations must include provisions governing the eligibility and participation of homeschooled children ~~[and opt-in children]~~ in interscholastic activities and events. In addition to the regulations governing eligibility ~~[:~~

~~(a) A]~~ *, a* homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 388D.070.

~~[(b) An opt-in child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of an opt-in child to participate in programs and activities pursuant to NRS 388D.140.]~~

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

*Sec. 30.3.* NRS 385B.150 is hereby amended to read as follows:

385B.150 1. A homeschooled child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 if a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 388D.070.

2. ~~[An opt-in child must be allowed to participate in interscholastic activities and events in accordance with the regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 if a notice of intent of an opt-in child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 388D.140.~~

~~— 3.]~~ The provisions of this chapter and the regulations adopted pursuant thereto that apply to pupils enrolled in public schools who participate in interscholastic activities and events apply in the same manner to homeschooled children ~~[and opt-in children]~~ who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;
(b) Fees for participation;
(c) Insurance;
(d) Transportation;
(e) Requirements of physical examination;
(f) Responsibilities of participants;
(g) Schedules of events;
(h) Safety and welfare of participants;
(i) Eligibility for awards, trophies and medals;
(j) Conduct of behavior and performance of participants; and
(k) Disciplinary procedures.

*Sec. 30.35.* NRS 385B.160 is hereby amended to read as follows:

385B.160 No challenge may be brought by the Nevada Interscholastic Activities Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or private school, or any other entity or person claiming that an interscholastic activity or event is invalid because homeschooled children ~~[or opt-in children]~~ are allowed to participate in the interscholastic activity or event.

*Sec. 30.4.* NRS 385B.170 is hereby amended to read as follows:

385B.170 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:

1. Eligibility of homeschooled children ~~[or opt-in children]~~ to participate in interscholastic activities and events pursuant to this chapter; or

2. Participation of homeschooled children ~~[or opt-in children]~~ in interscholastic activities and events pursuant to this chapter,

➥ that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060.

*Sec. 30.45.* NRS 387.045 is hereby amended to read as follows:

387.045 ~~[Except as otherwise provided in NRS 353B.700 to 353B.930, inclusive:]~~

1. No portion of the public school funds or of the money specially appropriated for the purpose of public schools shall be devoted to any other object or purpose.

2. No portion of the public school funds shall in any way be segregated, divided or set apart for the use or benefit of any sectarian or secular society or association.

*Sec. 30.5.* NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, based on the average daily enrollment of those pupils during the quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, a charter school located within that school district or a university school for profoundly gifted pupils, based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school , ~~[or receiving a portion of his or her instruction~~

~~from a participating entity, as defined in NRS 353B.750,]~~ based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school, ~~[or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750,]~~ based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474, subsection 1 of NRS 392.074, or subsection 1 of NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school, based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(b) Adding the amounts computed in paragraph (a).

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the quarterly apportionments from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 3,

including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

*Sec. 30.55.* NRS 387.124 is hereby amended to read as follows:

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

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

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

(a) Public school other than a charter school, an apportionment must be made to the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the

school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.

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

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

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

*Sec. 30.6.* NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education unless:

(a) Pursuant to this section or other specific statute, the pupil is not eligible for enrollment or the pupil's enrollment is otherwise prohibited;

(b) The pupil fails to satisfy the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; or

(c) The pupil fails to satisfy the requirements of the program of distance education.

2. A child who is exempt from compulsory attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

3. ~~[An opt-in child who is exempt from compulsory attendance is not eligible to enroll in or otherwise attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1, unless the opt-in child receives only a portion of his or her instruction from a participating entity as authorized pursuant to NRS 353B.850.~~

~~4.]~~ If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

*Sec. 30.65.* NRS 388A.471 is hereby amended to read as follows:

388A.471 1. Except as otherwise provided in subsection 2, upon the request of a parent or legal guardian of a child who is enrolled in a public school of a school district or a private school, or a parent or legal guardian of a homeschooled child , ~~[or opt-in child,]~~ the governing body of the charter school shall authorize the child to participate in a class that is not otherwise available to the child at his or her school or homeschool ~~[or from his or her participating entity, as defined in NRS 353B.750,]~~ or participate in an extracurricular activity at the charter school if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the governing body that the child is qualified to participate in the class or extracurricular activity; and

(c) The child is ~~[:~~

~~(1) A]~~ *a* homeschooled child and a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 388D.070 . ~~[; or~~

~~(2) An opt-in child and a notice of intent of an opt-in child to participate in programs and activities is filed for the child with the school district in which the child resides for the current school year pursuant to NRS 388D.140.]~~

2. If the governing body of a charter school authorizes a child to participate in a class or extracurricular activity pursuant to subsection 1, the governing body is not required to provide transportation for the child to attend the class or activity. A charter school shall not authorize such a child to participate in a class or activity through a program of distance education provided by the charter school pursuant to NRS 388.820 to 388.874, inclusive.

3. The governing body of a charter school may revoke its approval for a child to participate in a class or extracurricular activity at a charter school pursuant to subsection 1 if the governing body determines that the child has failed to comply with applicable statutes, or applicable rules and regulations. If the governing body so revokes its approval, neither the governing body nor the charter school is liable for any damages relating to the denial of services to the child.

4. The governing body of a charter school may, before authorizing a homeschooled child ~~[or opt-in child]~~ to participate in a class or extracurricular activity pursuant to subsection 1, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

*Sec. 30.7.* NRS 388B.290 is hereby amended to read as follows:

388B.290 1. During the sixth year that a school operates as an achievement charter school, the Department shall evaluate the pupil achievement and school performance of the school. The Executive Director shall provide the Department with such information and assistance as the

Department determines necessary to perform such an evaluation. If, as a result of such an evaluation, the Department determines:

(a) That the achievement charter school has made adequate improvement in pupil achievement and school performance, the governing body of the achievement charter school must decide whether to:

(1) Convert to a public school under the governance of the board of trustees of the school district in which the school is located;

(2) Seek to continue as a charter school subject to the provisions of chapter 388A of NRS by applying to the board of trustees of the school district in which the school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education to sponsor the charter school pursuant to NRS 388A.220; or

(3) Remain an achievement charter school for at least 6 more years.

(b) That the achievement charter school has not made adequate improvement in pupil achievement and school performance, the Department shall direct the Executive Director to notify the parent or legal guardian of each pupil enrolled in the achievement charter school that the achievement charter school has not made adequate improvement in pupil achievement and school performance. Such notice must include, without limitation, information regarding:

(1) Public schools which the pupil may be eligible to attend, including, without limitation, charter schools, programs of distance education offered pursuant to NRS 388.820 to 388.874, inclusive, and alternative programs for the education of pupils at risk of dropping out of school pursuant to NRS 388.537;

(2) ~~[The opportunity for the parent to establish an education savings account pursuant to NRS 353B.850 and enroll the pupil in a private school, have the pupil become an opt-in child or provide for the education of the pupil in any other manner authorized by NRS 353B.900;~~

~~(3)]~~ Any other alternatives for the education of the pupil that are available in this State; and

~~[(4)]~~ *(3)* The actions that may be considered by the Department with respect to the achievement charter school and the manner in which the parent may provide input.

2. Upon deciding that the achievement charter school has not made adequate improvement in pupil achievement and school performance pursuant to paragraph (b) of subsection 1, the Department must decide whether to:

(a) Convert the achievement charter school to a public school under the governance of the board of trustees of the school district in which the school is located; or

(b) Continue to operate the school as an achievement charter school for at least 6 more years.

3. If the Department decides to continue to operate a school as an achievement charter school pursuant to subsection 2, the Executive Director must:

(a) Terminate the contract with the charter management organization, educational management organization or other person that operated the achievement charter school;

(b) Enter into a contract with a different charter management organization, educational management organization or other person to operate the achievement charter school after complying with the provisions of NRS 388B.210;

(c) Require the charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school to appoint a new governing body of the achievement charter school in the manner provided pursuant to NRS 388B.220, and must not reappoint more than 40 percent of the members of the previous governing body; and

(d) Evaluate the pupil achievement and school performance of such a school at least each 3 years of operation thereafter.

4. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school and meets the requirements of chapter 391 of NRS to teach at the school. Any administrator or teacher employed at such a school who was employed by the board of trustees as a postprobationary employee before the school was converted to an achievement charter school and who wishes to continue employment at the school after it is converted back into a public school must be employed as a postprobationary employee.

5. If an achievement charter school becomes a charter school sponsored by the school district in which the charter school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education pursuant to paragraph (a) of subsection 1, the school is subject to the provisions of chapter 388A of NRS and the continued operation of the charter school in the building in which the school has been operating is subject to the provisions of NRS 388A.378.

6. As used in this section, "postprobationary employee" has the meaning ascribed to it in NRS 391.650.

*Sec. 30.75.* NRS 388D.270 is hereby amended to read as follows:

388D.270 1. A scholarship organization must:

(a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).

(b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.

(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.

(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.

(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed $7,755 for Fiscal Year 2015-2016.

(f) Not limit to a single school the schools for which it provides grants.

(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.

2. The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On May 1 of each year, the Department of Education shall determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also post the adjusted amounts on its Internet website.

3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.

4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:

(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and

(b) The total amount of the donation, gift or grant made to the scholarship organization.

5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils if reporting is required by the regulations of the Department of Education.

6. *A scholarship organization shall not use a donation for which a taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of a pupil unless the scholarship organization used a donation for which the taxpayer received a tax credit pursuant to NRS 363A.139 or 363B.119 to provide a grant pursuant to this section on behalf of the pupil for the immediately preceding school year or reasonably expects to be able to provide a grant pursuant to this section on behalf of the pupil in at least the same amount for each school year until the pupil graduates from high school. A scholarship organization that violates this*

*subsection shall repay to the Department of Taxation the amount of the tax credit received by the taxpayer pursuant to NRS 363A.139 or 363B.119, as applicable.*

*7.* The Department of Education:

(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.

(b) May adopt such other regulations as the Department determines necessary to carry out the provisions of this section.

~~[7.]~~ *8.* As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.

*Sec. 30.8.* NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, including, without limitation, English language arts, mathematics, science and social studies. The regulations may include the credits to be earned in each course.

2. Except as otherwise provided in subsection 4, the board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs of remedial study to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. A pupil who is on academic probation pursuant to this subsection shall complete appropriate remediation in the subject areas that the pupil failed to pass. The policy must include the criteria for eligibility of a pupil to be placed on academic probation. A parent or guardian may elect not to place his or her child on academic probation but to remain in grade 8.

5. A homeschooled child ~~[or opt-in child]~~ who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district. ~~[or from a participating entity, as applicable;]~~

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

~~[6. As used in this section, "participating entity" has the meaning ascribed to it in NRS 353B.750.]~~

*Sec. 30.85.* NRS 392.070 is hereby amended to read as follows:

392.070 Attendance of a child required by the provisions of NRS 392.040 must be excused when:

1. The child is enrolled in a private school pursuant to chapter 394 of NRS; *or*

2. A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with NRS 388D.020 . ~~[; or~~

~~3. The child is an opt-in child and notice of such has been provided to the school district in which the child resides or the charter school in which the child was previously enrolled, as applicable, in accordance with NRS 388D.110.]~~

*Sec. 30.9.* NRS 392.072 is hereby amended to read as follows:

392.072 1. The board of trustees of each school district shall provide programs of special education and related services for homeschooled children. The programs of special education and related services required by this section must be made available:

(a) Only if a child would otherwise be eligible for participation in programs of special education and related services pursuant to NRS 388.417 to 388.469, inclusive, or NRS 388.5251 to 388.5267, inclusive;

(b) In the same manner that the board of trustees provides, as required by 20 U.S.C. § 1412, for the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians; and

(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

2. The programs of special education and related services required by subsection 1 may be offered at a public school or another location that is appropriate.

3. The board of trustees of a school district may, before providing programs of special education and related services to a homeschooled child ~~[or opt-in child]~~ pursuant to subsection 1, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

4. The Department shall adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 1.

5. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401.

*Sec. 30.93.* NRS 392.074 is hereby amended to read as follows:

392.074 1. Except as otherwise provided in subsection 1 of NRS 392.072 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, ~~[or opt-in child,]~~ the board of trustees of the school district in which the child resides shall authorize the child to participate in any classes and extracurricular activities, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available;

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity; and

(c) If the child is ~~[:~~

~~(1) A]~~ *a* homeschooled child, a notice of intent of a homeschooled child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to NRS 388D.070. ~~[; or~~

~~(2) An opt-in child, a notice of intent of an opt-in child to participate in programs and activities is filed for the child with the school district for the current school year pursuant to NRS 388D.140.]~~

➥ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child ~~[or opt-in child]~~ must be allowed to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS and interscholastic activities and events, including sports, pursuant to subsection 3.

2. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 1 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

3. In addition to those interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS, a homeschooled child ~~[or opt-in child]~~ must be allowed to participate in interscholastic activities and events, including sports, if a notice of intent of a homeschooled child ~~[or opt-in child]~~ to participate in programs and activities is filed for the child with the school district for the current school year pursuant to NRS 388D.070. ~~[or 388D.140, as applicable.]~~ A homeschooled child ~~[or opt-in child]~~ who participates in interscholastic activities and events at a public school pursuant to this subsection must participate within the school district of the child's residence through the public school which the child is otherwise zoned to attend. Any rules or regulations that apply to pupils enrolled in public schools who participate in interscholastic activities and events, including

sports, apply in the same manner to homeschooled children ~~[and opt-in children]~~ who participate in interscholastic activities and events, including, without limitation, provisions governing:

(a) Eligibility and qualifications for participation;

(b) Fees for participation;

(c) Insurance;

(d) Transportation;

(e) Requirements of physical examination;

(f) Responsibilities of participants;

(g) Schedules of events;

(h) Safety and welfare of participants;

(i) Eligibility for awards, trophies and medals;

(j) Conduct of behavior and performance of participants; and

(k) Disciplinary procedures.

4. If a homeschooled child ~~[or opt-in child]~~ participates in interscholastic activities and events pursuant to subsection 3:

(a) No challenge may be brought by the Association, a school district, a public school or a private school, a parent or guardian of a pupil enrolled in a public school or a private school, a pupil enrolled in a public school or a private school, or any other entity or person claiming that an interscholastic activity or event is invalid because the homeschooled child ~~[or opt-in child]~~ is allowed to participate.

(b) Neither the school district nor a public school may prescribe any regulations, rules, policies, procedures or requirements governing the eligibility or participation of the homeschooled child ~~[or opt-in child]~~ that are more restrictive than the provisions governing the eligibility and participation of pupils enrolled in public schools.

5. The board of trustees of a school district:

(a) May, before authorizing a homeschooled child ~~[or opt-in child]~~ to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 1, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

(b) Shall, before allowing a homeschooled child ~~[or opt-in child]~~ to participate in interscholastic activities and events governed by the Nevada Interscholastic Activities Association pursuant to chapter 385B of NRS and interscholastic activities and events pursuant to subsection 3, require proof of the identity of the child, including, without limitation, the birth certificate of the child or other documentation sufficient to establish the identity of the child.

*Sec. 30.95.* NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from

that school, although the pupil may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must be permanently expelled from that school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS ~~[, become an opt-in child]~~ or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although the pupil may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must be permanently expelled from the school and:

(a) Enroll in a private school pursuant to chapter 394 of NRS ~~[, become an opt-in child]~~ or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil may be:

(a) Suspended from the school for a period not to exceed one school semester as determined by the seriousness of the acts which were the basis for the discipline; or

(b) Expelled from the school under extraordinary circumstances as determined by the principal of the school.

4. If the pupil is expelled, or the period of the pupil's suspension is for one school semester, the pupil must:

(a) Enroll in a private school pursuant to chapter 394 of NRS ~~[, become an opt-in child]~~ or be homeschooled; or

(b) Enroll in a program of independent study provided pursuant to NRS 389.155 for pupils who have been suspended or expelled from public school or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, if the pupil qualifies for enrollment and is accepted for enrollment in accordance with the requirements of the applicable program.

5. The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow a modification to the suspension or expulsion requirement, as applicable, of subsection 1, 2 or 3 if such modification is set forth in writing.

6. This section does not prohibit a pupil from having in his or her possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

7. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

8. A pupil who is participating in a program of special education pursuant to NRS 388.419, other than a pupil who receives early intervening services, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

9. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, a switchblade knife as defined in NRS 202.265, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) "Firearm" includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a "firearm" in 18 U.S.C. § 921, as that section existed on July 1, 1995.

10. The provisions of this section do not prohibit a pupil who is suspended or expelled from enrolling in a charter school that is designed exclusively for the enrollment of pupils with disciplinary problems if the pupil is accepted for enrollment by the charter school pursuant to NRS 388A.453 or 388A.456. Upon request, the governing body of a charter school must be provided with access to the records of the pupil relating to the pupil's suspension or expulsion in accordance with applicable federal and state law before the governing body makes a decision concerning the enrollment of the pupil.

Sec. 31. 1. There is hereby appropriated from the State General Fund to the School Safety Account the ~~[sum of $17,500,000 for the Fiscal Year 2020-2021.]~~ following sums:

For the Fiscal Year 2019-2020..... $8,340,845

For the Fiscal Year 2020-2021..... $8,404,930

2. The Department of Education shall transfer from the appropriation made by subsection 1 to provide grants utilizing a competitive grant process based on demonstrated need, within the limits of legislative appropriation, to school districts ~~[in counties whose population is less than 100,000]~~ and to charter schools for school safety facility improvements.

3. Any remaining balance of the appropriation made by subsection 1 ~~[,]~~ for Fiscal Year 2019-2020 must be added to the money appropriated for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the appropriation made by subsection 1 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 32. ~~[1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:~~

~~For the Fiscal Year 2019-2020..... $145,000~~

~~For the Fiscal Year 2020-2021..... $145,000~~

~~2. The money appropriated by subsection 1 must be used by the Department of Education to provide threat assessments and trainings and to provide mobile crisis response team services in counties whose population is less than 100,000.~~

~~3. Any remaining balance of the money appropriated by subsection 1 for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 must not be committed for expenditure after June 30 of each fiscal year and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, for each fiscal year respectively.]~~ (Deleted by amendment.)

Sec. 33. ~~[1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:~~

~~For the Fiscal Year 2019-2020..... $2,000,000~~

~~For the Fiscal Year 2020-2021..... $2,700,000~~

~~2. The money appropriated by subsection 1 must be used by the Department of Education to support the implementation of a program of social, emotional and academic development throughout the public schools in this State, including, without limitation, the development and implementation of a strategic plan to carry out full implementation of such programs within 5 years.~~

~~3. Any remaining balance of the transfer made by subsection 1 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfer made by subsection 1 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be~~

~~reverted to the State General Fund on or before September 17, 2021.]~~ (Deleted by amendment.)

Sec. 34. ~~[1. There is hereby appropriated from the State General Fund to the Other State Education Programs Account in the State General Fund the following sums:~~

~~For the Fiscal Year 2019-2020..... $2,000,000~~

~~For the Fiscal Year 2020-2021..... $2,000,000~~

~~2. The Department of Education shall use the money appropriated by subsection 1 for competitive state grants to school districts and charter schools for early childhood education programs.~~

~~3. Any remaining balance of the sums transferred by subsection 1 for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 must not be committed for expenditure after June 30 of each fiscal year and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, for each fiscal year respectively.]~~ (Deleted by amendment.)

Sec. 35. ~~[1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 the following sums:~~

~~For the Fiscal Year 2019-2020..... $15,875,000~~

~~For the Fiscal Year 2020-2021..... $15,875,000~~

~~2. The Department of Education shall use the amount determined in subsection 1 to carry out the provisions of section 1 of Senate Bill No. 467 of this session by providing supplemental grants of money to the State Public Charter School Authority and the school districts to include additional schools within the program created by section 1 of Senate Bill No. 467 of this session and supplement the services provided at such schools. The board of trustees of a school district and the State Public Charter School Authority may submit an application to the Department on a form prescribed by the Department.~~

~~3. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfers made pursuant to subsection 2 for Fiscal Year 2020-2021, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.]~~ (Deleted by amendment.)

Sec. 36. ~~[1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 the following sums:~~

~~For the Fiscal Year 2019-2020..... $15,875,000~~

~~For the Fiscal Year 2020-2021..... $15,875,000~~

~~2. The Department of Education shall use the amount determined in subsection 1 to carry out the provisions of section 2 of Senate Bill No. 467 of this session by providing supplemental grants of money to the State Public Charter School Authority and the school districts to include additional schools~~

~~within the program created by section 2 of Senate Bill No. 467 of this session and supplement the services provided at such schools. The board of trustees of a school district and the State Public Charter School Authority may submit an application to the Department on a form prescribed by the Department.~~

~~3. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfers made pursuant to subsection 2 for Fiscal Year 2020-2021, including any money added from the previous fiscal year, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.]~~ (Deleted by amendment.)

*Sec. 36.5.* 1. There is hereby appropriated from the State General Fund to the Account for Programs for Innovation and the Prevention of Remediation created by NRS 387.1247 the following sums:

For the Fiscal Year 2019-2020..... $35,081,155

For the Fiscal Year 2020-2021..... $36,848,070

2. The Department of Education shall transfer the sums of money identified in this subsection from the Account for Programs for Innovation and the Prevention of Remediation to school districts for block grants for the purpose of providing supplemental support to the operation of the school districts. The amount to be transferred for the fiscal year shown is:

| | 2019-2020 | 2020-2021 |
|---|---|---|
| Carson City School District | $631,574 | $663,384 |
| Churchill County School District | 255,461 | 268,328 |
| Clark County School District | 25,892,878 | 27,197,012 |
| Douglas County School District | 458,566 | 481,662 |
| Elko County School District | 772,986 | 811,919 |
| Esmeralda County School District | 5,551 | 5,831 |
| Eureka County School District | 21,379 | 22,456 |
| Humboldt County School District | 273,189 | 286,949 |
| Lander County School District | 78,860 | 82,832 |
| Lincoln County School District | 76,533 | 80,388 |
| Lyon County School District | 681,887 | 716,231 |
| Mineral County School District | 42,868 | 45,027 |
| Nye County School District | 410,922 | 431,619 |
| Pershing County School District | 53,244 | 55,925 |
| Storey County School District | 34,229 | 35,953 |
| Washoe County School District | 5,294,592 | 5,561,262 |
| White Pine County School District | 96,435 | 101,292 |

3. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfers made by subsection 2 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year,

must be used for the purpose identified in subsection 2 and does not revert to the State General Fund.

Sec. 37. 1. The Legislature hereby finds and declares that the purpose and intent of this act is to maintain and continue the existing legally operative rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110, at 2 percent and 1.475 percent, respectively, without any changes or reductions in the rates of those taxes pursuant to NRS 360.203, as that section existed before the effective date of this act, for any fiscal year beginning on or after July 1, 2015.

2. Notwithstanding any other provisions of law, in order to accomplish and carry out the purpose and intent of this act:

(a) Any determinations or decisions made or actions taken before the effective date of this section by the Department of Taxation pursuant to NRS 360.203, as that section existed before the effective date of this section:

(1) Are superseded, abrogated and nullified by the provisions of this act; and

(2) Have no legal force and effect; and

(b) The Department shall not, under any circumstances, apply or use those determinations, decisions or actions as a basis, cause or reason to reduce the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 for any fiscal year beginning on or after July 1, 2015.

Sec. 38. ~~[Notwithstanding any other provisions of law, the Legislature hereby finds and declares that:~~

~~1. The provisions of this act are not severable; and~~

~~2. If any provisions of this act, or any applications thereof to any persons, things or circumstances:~~

~~(a) Are declared invalid by a court of competent jurisdiction in any judicial proceedings; and~~

~~(b) Any available appeals, petitions or other methods of review concerning the judicial proceedings have been exhausted under the rules governing the judicial proceedings,~~

~~→ such a judicial declaration of invalidity shall be deemed to invalidate the other provisions of this act, whether or not the other provisions of this act can be saved and given effect without the provisions or applications declared invalid by the court, and the invalidation of the other provisions of this act pursuant to this section becomes effective on the date on which the judicial declaration of invalidity becomes final and is no longer subject to any available appeals, petitions or other methods of review under the rules governing the judicial proceedings.]~~ (Deleted by amendment.)

Sec. 39. NRS 360.203 is hereby repealed.

*Sec. 39.5.* NRS 219A.050, 353B.700, 353B.710, 353B.720, 353B.730, 353B.740, 353B.750, 353B.760, 353B.770, 353B.820, 353B.850, 353B.860, 353B.870, 353B.880, 353B.900, 353B.910, 353B.920, 353B.930, 388D.100, 388D.110, 388D.120, 388D.130 and 388D.140 are hereby repealed.

Sec. 40. 1. This section [,] and sections [1 to 28, inclusive,] 2, 3, 37 [, 38] and 39 of this act become effective upon passage and approval.

2. Sections [29 to 36, inclusive,] 2.5, 3.5, 30.1 to 31, inclusive, 36.5 and 39.5 of this act become effective on July 1, 2019.

[ 3. If the provisions of this act are invalidated as provided in section 38 of this act, this act expires by limitation on the date on which the invalidation of the provisions of this act becomes effective as provided in section 38 of this act.]

[TEXT] LEADLINES OF REPEALED [SECTION] SECTIONS

[ 360.203 Reduction of rate of certain taxes on business under certain circumstances; duties of Department.

1. Except as otherwise provided in subsection 4, on or before September 30 of each even-numbered year, the Department shall determine the combined revenue from the taxes imposed by chapters 363A and 363B of NRS and the commerce tax imposed by chapter 363C of NRS for the preceding fiscal year.

2. Except as otherwise provided in subsection 4, if the combined revenue determined pursuant to subsection 1 exceeds by more than 4 percent the amount of the combined anticipated revenue from those taxes for that fiscal year, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year, the Department shall determine the rate at which the taxes imposed pursuant to NRS 363A.130 and 363B.110, in combination with the revenue from the commerce tax imposed by chapter 363C of NRS, would have generated a combined revenue of 4 percent more than the amount anticipated. In making the determination required by this subsection, the Department shall reduce the rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 in the proportion that the actual amount collected from each tax for the preceding fiscal year bears to the total combined amount collected from both taxes for the preceding fiscal year.

3. Except as otherwise provided in subsection 4, effective on July 1 of the odd-numbered year immediately following the year in which the Department made the determination described in subsection 1, the rates of the taxes imposed pursuant to NRS 363A.130 and 363B.110 that are determined pursuant to subsection 2, rounded to the nearest one-thousandth of a percent, must thereafter be the rate of those taxes, unless further adjusted in a subsequent fiscal year.

4. If, pursuant to subsection 3, the rate of the tax imposed pursuant to NRS 363B.110 is 1.17 percent:

(a) The Department is no longer required to make the determinations required by subsections 1 and 2; and

(b) The rate of the taxes imposed pursuant to NRS 363A.130 and 363B.110 must not be further adjusted pursuant to subsection 3.]

219A.050 "Opt-in child" defined.

353B.700 Definitions.
353B.710 "Education savings account" defined.
353B.720 "Eligible institution" defined.
353B.730 "Opt-in child" defined.
353B.740 "Parent" defined.
353B.750 "Participating entity" defined.
353B.760 "Program of distance education" defined.
353B.770 "Resident school district" defined.
353B.820 Regulations.
353B.850 Establishment of account; requirements; termination and renewal of agreement to establish account; prohibition against establishing account for child attending school outside this State or homeschooled child.
353B.860 Grant of money required to be deposited in account; amount of grant; deduction of administrative costs; money remaining in account carries forward if written agreement renewed.
353B.870 Limitations on use of money deposited in account; refunds and rebates.
353B.880 Management of account; annual audits; State Treasurer authorized to take action upon determination of substantial misuse of money in account.
353B.900 Participating entity: Application; criteria; requirements; authority of State Treasurer to terminate status as participating entity.
353B.910 Participating entity required to ensure children take certain examinations; aggregation of examination results; annual survey.
353B.920 Annual list of participating entities; resident school district required to provide educational records to participating entity.
353B.930 Autonomy of participating entity not limited; actions of participating entity not actions of State Government.
360.203 Reduction of rate of certain taxes on business under certain circumstances; duties of Department.
388D.100 "Parent" defined.
388D.110 Notice that child is opt-in child; acknowledgment of notification.
388D.120 Release of child's records.
388D.130 Admittance or entrance to public school; participation in examinations.
388D.140 Notice of intent to participate in programs and activities.

Senator Cannizzaro moved the adoption of the amendment.

Remarks by Senators Cannizzaro, Settelmeyer, Ratti, Hardy, Hansen, Spearman and Pickard.

SENATOR CANNIZZARO:

Amendment No. 1121 includes some of the provisions I had previously discussed in relation to Senate Bill No. 551. This amendment includes the deletion of the language relating to the Clark County Sales and Use Tax, or what is commonly known as the "More Cops Tax." It includes the buy down of the Modified Business Tax. It takes that money, and allocations from it of

approximately $100 million in funds to the State, and distributes approximately $16.7 million for school safety and approximately $72 million for school districts through the Account for Programs for Innovation and the Prevention of Remediation for block grants and supplemental support for the school districts. It adds $9.95 million to Opportunity Scholarships to allow for individuals who are currently on those scholarships to remain in the program. Additionally, Amendment No. 1121 to Senate Bill No. 551 removes the requirement for a two-thirds vote and deletes language relating to it and eliminates the Education Savings Account Program.

SENATOR SETTELMEYER:

I appreciate the concept of the Amendment No. 1121. It proves exactly what I said before; the concept that the Constitution is, to you, something you can just pick and choose whether to obey it or not. This is something the taxpayers put upon us as a restraint, and you have exactly proven our point. You have also decided, now, to take away opportunities from children by forever getting rid of the Educational Savings Account Program in the State of Nevada. If I am wrong, please correct me.

SENATOR RATTI:

This amendment does some very simple things. It puts money into school safety. This Body has discussed school safety, and there were interim conversations about school safety. There have been terrible and tragic events, and we all know we want to make sure our schools safe. This gets a sustainable, on-going source of revenue into our schools, with more money and a better education for all children in our public schools. It ensures we address something we heard a lot about this Session, which is to make sure those children who have had the Opportunity Scholarship can continue their education in that space and that no low-income child will lose that scholarship. All we ask to do that is to continue an existing revenue stream so no corporation gets a tax cut, and we can sustainably, and in an ongoing way, fund our schools. It is as simple as that. I stand here proudly to say we are going to put as much money as possible into public schools and invest in a public school education that produces people like my colleague, Senator Cannizzaro, who will grow up, become lawyers and serve their State. We need to do this; it is the right thing to do. I stand in support.

SENATOR HARDY:

My offer still stands to get in a small room and work things out. It is still possible to have an ongoing way to fund education without breaking the two-thirds constitutional amendment.

SENATOR HANSEN:

Everyone in this room supports public education, but this boils down to the idea we are going to violate the Constitution. The original amendment, Amendment No.1120, showed we were supposed to have a two-thirds vote. The people of Nevada should be respected. We have made repeated offers to raise other forms of taxes, and they have been rejected. Now, here we are, with less than 12 hours left in this Session, having a Floor debate over something that should have been discussed weeks or even months ago. It is disingenuous on the part of leadership to act like our party has been against public education when we have bent over backwards to try and work to improve public education and give it the necessary finances. There is a substantial sum of money left.

I urge my colleagues to vote "no" on this amendment to protect the rights of the people in the Gibbon's Tax Restraint Initiative. This was overwhelming passed to ensure any tax increases are done with a two-thirds majority. In 2009, when this State was in a fiscal crisis, the people in this room made a series of sunsetted taxes to get us through those troubled times. We are in flush times now. This budget is at least 12 percent above the last budget passed in 2017. It is not like we are being miserly and cutting back on public education or any other necessary services we provide for the State of Nevada. We should allow these things to sunset as was intended when they initially passed. We should act fiscally appropriate by having a reasonable discussion in this room about other forms of taxation rather than relying on sunsetted taxes that were passed intentionally to be temporary in nature.

SENATOR SPEARMAN:

I rise in strong support of this measure, as I did for the last one. My colleague from District 14 was in the Assembly in 2015, but some of us were here. I was on the Committee on Revenue and Development and listened to the Governor's speech as he introduced his new tax plan. One of the things he said was that this was not the all to end all. He said we would have to keep going and make sure to fund education. Many of my colleagues rose to support voting for that tax and said amen to what he said. It is not true that we are taking away Opportunity Scholarships; it is not a correct representation of what is in this bill. We are talking about a continuous funding stream. There is no way to verify that we now have $100 million, and that should be taken into question. Even if we have a surplus, we are still not funding education the right way; we are not funding mental health. There are a lot of things we are not doing.

I have heard several times in these debates that this is a last-minute thing and there is not enough time. There are colleagues of mine who were here in 2015 and know that when we came back in to Session at 11:50 p.m., there was a document on our desks we had not read. Do not try to teach me about lack of time. This is far more time than we had in 2015.

We are talking about funding education. We are not talking about this, that or the other. We are talking about funding education. Anyone who is prudent knows you cannot use a onetime source of income to fund something that is continuous. I reject the notion that this is last minute because I have a lot of colleagues who were here in 2015 at ten minutes before midnight, and you voted for that legislation. You rammed it right down. Do not try to teach me that this is last minute. Do not insult my intelligence.

SENATOR PICKARD:

Fortunately, what we do here is recorded. I ask the 13 people I was speaking to before to look into the chronology of what has happened here, today, and in the last few days. Look at who came out with a transparent proposal and who did not. There have been denials of the numbers, and yet, the numbers are coming from Fiscal staff not from us. The staff put together the numbers and has repeatedly demonstrated there are dollars available to be spent on education, yet over the last 24 hours, these have been diverted to other priorities. It is not that these are not worthy; but if I were to choose between the Reno Rodeo or funding education, as worthy as both are, I would pick education.

There are examples in both Houses of what I was talking about before. At the end of the day, look to what happened. Look at who has been asking for education and who has been asking for other things. Look at how these bills were dropped and how the proposals were made. Look to things like what has been put into the bill to try and force someone's hand. If this is the gamesmanship and the kind of dealings you want, vote for it. If this kind of partisanship and division is something you feel should not remain, vote against it.

Senators Scheible, Woodhouse and Ohrenschall moved the previous question.

Motion carried.

The question being the adoption of Amendment No. 1121 to Senate Bill No. 551.

Senators Settelmeyer, Pickard and Hammond requested a roll call vote on Senator Cannizzaro's motion.

Roll call on Senator Cannizzaro's motion:

YEAS—13.

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

Amendment adopted.

Bill read third time.

Remarks by Senators Hansen and Hammond.

SENATOR HANSEN:

I want to be on the record as stating that in one of the most critical bills of the Session, with just 11 hours to go, the Majority party has twice deliberately shut down our ability to discuss this in front of the entire State of Nevada.

SENATOR HAMMOND:

Some people think removal of the Educational Savings Account Program will get a rise out of some people on this Floor; it will not. This will go through, and we know where the bill will be headed in the near future, so I am not too worried about that.

There were comments made earlier by leadership regarding tough decisions. We have all made tough decisions. If we have been in office for any number of years, we have made a number of tough decisions, not just this year. In 2015, when we talked about funding education, we knew why we needed money. We knew what programs we were talking about, what the programs were designed to achieve, and we had a decision to make. When that tax came to us from the Assembly, the Modified Business Tax provision had been added, the buy down. Many of us liked it because what we were saying was, as the Commerce Tax increased and delivered as promised, spreading out the tax burden, small businesses would receive a break. This would allow them to hire more individuals and would not be an impediment to hiring people. I liked that.

One of the things our constituents and people throughout the United States have in common is they do not trust us. Too often, we say one thing, then do another. We made a deal in 2015 and voted on it; we said something would happen. We can debate and say we have money for this. We did not know until today what the money for this extension was for, and we repeatedly asked about its use. Never did we get an answer. Do not tell me you need money to need money. That is exactly why people do not trust government. They think we take money from them for whatever reasons without letting them know.

In 2015, we were clear about why we needed the money. We made a tough decision, and I am going to stick to the commitment I made in 2015. I want something to go away so the people can see we do walk up to those commitments. For that reason, I am opposed to this bill now, an hour from now and 11 hours from now.

Roll call on Senate Bill No. 551:

YEAS—13.

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

Senate Bill No. 551 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 557.

Bill read third time.

The following amendment was proposed by Senators Pickard and Seevers Gansert:

Amendment No. 1100.

SUMMARY—Revises provisions relating to campaign practices. (BDR 24-1272)

AN ACT relating to campaign practices; defining "personal use" of campaign contributions; prohibiting a candidate or public officer from paying himself or herself a salary with campaign contributions; requiring certain organizations that make monetary contributions to candidates to file a report of such contributions with the Secretary of State; prohibiting a person from making a monetary contribution to a candidate in the form of cash; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a candidate to spend money received as a campaign contribution for the candidate's personal use. Existing law also authorizes a candidate who is elected to a public office to use unspent contributions to pay expenses related to the public office. (NRS 294A.160) Section 6 of this bill clarifies that it is unlawful for a public officer to use unspent contributions for the public officer's personal use. Section 3 of this bill defines "personal use" as the use of contributions to fulfill a commitment, obligation or expense of: (1) a candidate that would exist irrespective of his or her campaign; or (2) a public officer that would exist irrespective of the duties of his or her public office.

Section 6 makes it unlawful for a candidate or public officer to pay himself or herself a salary with campaign contributions.

Existing law requires candidates and certain other persons, committees and political organizations to file with the Secretary of State reports disclosing certain contributions received and campaign expenses and expenditures made. (NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220) Section 4 of this bill requires an organization that makes contributions to candidates during a calendar ~~[year,]~~ quarter, the total of which to all candidates is ~~[$10,000]~~ $1,000 or more, to file a report of those contributions with the Secretary of State. Section 2 of this bill defines "organization." Section 8 of this bill requires the Secretary of State to include these contributions in the compiled information made publicly available by the Secretary of State in each odd-numbered year. Section 9 of this bill provides that an organization that fails to file such a report may be subject to a civil penalty.

Existing law sets forth certain limits on monetary contributions to a candidate for a primary or general election for state, district, county or township office. (NRS 294A.100) Section 5.5 of this bill prohibits a person from making a monetary contribution to a candidate in the form of cash.

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

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Sec. 2. *"Organization" means:*

*1. Any form of business or social organization; and*

*2. Any nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust, unincorporated organization, labor union, committee for political action, political party and committee sponsored by a political party.*

Sec. 3. *"Personal use" means any use of contributions to fulfill a commitment, obligation or expense of:*

*1. A candidate that would exist irrespective of his or her campaign.*

*2. A public officer that would exist irrespective of the duties of his or her public office,*

➥ *as applicable.*

Sec. 4. *1. Every organization that makes monetary contributions to candidates, the total of which to all candidates* is $1,000 or more *in a calendar* ~~[year is $10,000 or more,]~~ quarter, *shall report to the Secretary of State not later than* ~~[January 15 of the following year:]~~ *the 15th day of the month immediately following the end of the calendar quarter:*

*(a) Each contribution in excess of $100 made to a candidate during the* ~~[previous calendar year;]~~ *previous calendar quarter; and*

*(b) The total of all contributions made to candidates during the previous calendar* ~~[year]~~ *quarter which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (a).*

*2.* ~~[The]~~ *Except as otherwise provided in NRS 294A.3737, the report must be filed electronically with the Secretary of State and shall be deemed to be filed on the date that it was received by the Secretary of State.* ~~[The provisions of NRS 294A.3737 do not apply to an organization that is required to file a report pursuant to this section.]~~

*3. As used in this section, "calendar quarter" means a period of 3 consecutive months commencing on the 1st day of January, April, July or October in any year.*

Sec. 5. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, *and sections 2 and 3 of this act,* have the meanings ascribed to them in those sections.

*Sec. 5.5.* NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make or commit to make a contribution or contributions to a candidate for any office, except a federal office ~~[, in]~~ *:*

*(a) If it is a monetary contribution, in the form of cash; and*

*(b) In* an amount which exceeds $5,000 for the primary election, regardless of the number of candidates for the office, and $5,000 for the general election, regardless of the number of candidates for the office, during the period:

~~[(a)]~~ *(1)* Beginning January 1 of the year immediately following the last general election for the office and ending December 31 immediately following the next general election for the office, if that office is a state, district, county or township office; or

~~[(b)]~~ *(2)* Beginning from 30 days after the last election for the office and ending 30 days after the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution or commitment to make a contribution made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 6. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for ~~[a]~~ *:*

*(a) A* candidate to spend money received as a contribution ~~[for]~~ *:*

*(1) For* the candidate's personal use ~~[.]~~ *; or*

*(2) To pay himself or herself a salary.*

*(b) A public officer to spend unspent contributions:*

*(1) For the public officer's personal use; or*

*(2) To pay himself or herself a salary.*

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy or an acceptance of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office who withdraws after filing a declaration of candidacy or an acceptance of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of $5,000 to the contributor.

6. Except for a former public officer who is subject to the provisions of subsection 10, every person who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy or an acceptance of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

7. Except as otherwise provided in subsection 8, every public officer who:

(a) Does not run for reelection to the office which he or she holds;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

8. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

9. Except as otherwise provided in subsection 10, every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100.

10. Every former public officer described in subsection 9 who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy or an acceptance of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

11. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

12. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

13. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

14. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 4 of NRS 294A.005.

Sec. 7. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. Any report required pursuant to this chapter must be completed on the form designed and made available by the Secretary of State pursuant to this section.

2. The Secretary of State shall design forms to be used for all reports that are required to be filed pursuant to this chapter.

3. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

4. The Secretary of State shall make available to each candidate, person, *organization,* committee or political party that is required to file a report pursuant to this chapter:

(a) If the candidate, person, committee or political party has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, *organization,* committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

5. A report filed pursuant to this chapter must be signed under an oath to God or penalty of perjury. If the candidate, person, *organization,* committee or political party is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the report or form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

*Sec. 7.5.* NRS 294A.3737 is hereby amended to read as follows:

294A.3737 1. A person, *organization,* committee or political party that is required to file a report pursuant to this chapter is not required to file the report electronically if the person, *organization,* committee or political party:

(a) Did not receive contributions *, ~~[or]~~* expend money *, or make contributions to candidates, as applicable,* in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, *organization,* committee or political party does not own or have the ability to access the technology necessary to file electronically the report; and

(2) The person, *organization,* committee or political party does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report is required to be filed pursuant to this chapter by the person, *organization,* committee or political party.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, *organization,* committee or political party was required to file any report pursuant to this chapter in the previous year.

3. A person, *organization,* committee or political party that has properly filed the affidavit pursuant to this section may file the relevant report with the

Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 8. NRS 294A.400 is hereby amended to read as follows:

294A.400 Based on the reports received pursuant to this chapter, the Secretary of State shall, not later than February 15 of each odd-numbered year, prepare and make available for public inspection a compilation of:

1. The following totals for each candidate from whom reports of contributions and campaign expenses are required pursuant to this chapter:

(a) The total amount of monetary contributions to the candidate;

(b) The total amount of goods and services provided to the candidate in kind for which money would otherwise have been paid;

(c) The total amount of loans guaranteed by a third party and forgiveness of any loans previously made to the candidate;

(d) The total amount committed to the candidate via written commitments for contributions; and

(e) The total amount of campaign expenses.

2. The following totals for each person, committee, political party or nonprofit corporation from which reports of contributions and campaign expenses are required pursuant to this chapter:

(a) The total amount of monetary contributions to the person, committee, political party or nonprofit corporation;

(b) The total amount of goods and services provided to the person, committee, political party or nonprofit corporation in kind for which money would otherwise have been paid; and

(c) The total amount of independent expenditures or other expenditures, as applicable, made by the person, committee, political party or nonprofit corporation.

3. The following totals for each committee for political action for which reports of contributions and expenditures are required pursuant to this chapter:

(a) The total amount of monetary contributions to the committee for political action;

(b) The total amount of goods and services provided to the committee for political action in kind for which money would otherwise have been paid; and

(c) The total amount of expenditures made by the committee for political action.

4. The contributions made to and expenditures from a committee for the recall of a public officer in excess of $100.

5. The total contributions received by and expenditures made from a legal defense fund.

*6. For an organization required to file a report pursuant to section 4 of this act:*

*(a) The total contributions made by the organization; and*

*(b) The total contributions made by the organization to each candidate in excess of $100.*

Sec. 9. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a candidate, person, *organization,* committee, political party or nonprofit corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 *and section 4 of this act* has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, *organization,* committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a candidate, person, *organization,* committee, political party or nonprofit corporation that violates an applicable provision of this chapter is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a candidate, person, *organization,* committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section.

5. When considering whether to waive, pursuant to subsection 4, a civil penalty that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, *organization*, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, *organization*, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, *organization*, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives a civil penalty pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 10. 1. The provisions of section 4 of this act do not apply to any contribution made to a candidate by an organization before January 1, 2020.

2. No organization is required to file a report required pursuant to section 4 of this act before January 15, 2021.

*Sec. 10.5.* <u>The provisions of section 5.5 of this act do not apply to any monetary contribution in the form of cash made to a candidate before January 1, 2020.</u>

Sec. 11. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after June 3, 2019.

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 Pickard moved the adoption of the amendment.

Remarks by Senators Pickard, Seevers Gansert, Ohrenschall and Settelmeyer.

SENATOR PICKARD:

Amendment No. 1100 to Senate Bill No. 557 provides for three things. It reduces the threshold requirement organizations use for reporting monetary contributions to a candidate from $10,000 to $1,000 eliminates the ability to give or receive cash contributions, and revises organizations reporting to align with candidate contribution reports. This amendment requests to provide the transparency that the citizens of Nevada are ultimately due. We see many attempts in legislation to look like we are making a difference. This amendment provides the transparency promised in the language. It is about making sure no one falls under the radar. Under the existing bill, it would be easy for an organization who wanted to hide its involvement in elections to set up multiple organizations that would fall below the $10,000 reporting level and never show up. There would be no way to reconcile contributions given with contributions received and, thus, subvert the intent of the bill to provide transparency. I urge adoption of this amendment.

SENATOR SEEVERS GANSERT:

I urge adoption of Amendment No. 1100 to Senate Bill No. 557. The bill in its current form does not do enough. It leaves a gaping hole in campaign finance. We are well aware of funds being diverted, and we do not have a check on the system. We need lower dollar thresholds, no cash contributions and reporting that matches the reporting candidates are required to do. We need to close this gap and ensure funds contributed to campaigns are not misused. I urge my colleagues to support Amendment No. 1100 to Senate Bill No. 557.

SENATOR OHRENSCHALL:

The portion of the amendment that causes me concern deals with cash contributions. Yes, we are in a digital age. There is virtual currency going around the globe, and many people use electronic forms. There are still many people who use cash. Recent Supreme Court law determined the ability to contribute is political speech. This amendment is making a preference about one kind of political speech versus the community that might want to make a $20 contribution at the door when they meet a candidate. I am worried the amendment may make the entire bill constitutionally infirm. I urge its defeat.

SENATOR SETTELMEYER:

In regards to that, the Federal Election Commission bans cash.

Senator Settelmeyer, Hammond and Seevers Gansert requested a roll call vote on Senator Pickard's motion.

Roll call on Senator Pickard's motion:

YEAS—8.

NAYS—Brooks, Cancela, Cannizzaro, Denis, Dondero Loop, Harris, Ohrenschall, Parks, Ratti, Scheible, Spearman, Washington, Woodhouse—13.

Amendment failed.

Bill read third time.

Remarks by Senators Cannizzaro, Seevers Gansert, Cancela, Hardy and Pickard.

SENATOR CANNIZZARO:

Senate Bill No. 557 makes various changes to campaign practices. Specifically, the bill creates the definition of "personal use" to mean use of campaign contributions to fulfill a commitment, obligation or expensive of a candidate or public officer that would exist irrespective of his or her campaign or duties of his or her public office. The measure expands existing personal use provisions by clarifying it is unlawful for a candidate to use campaign contributions to pay himself or herself a salary or for a public officer to use the unspent contributions for personal use or to pay himself or herself a salary. Senate Bill No. 557 requires any organization that makes monetary contributions to candidates that total $10,000 or more in a calendar year to file a report with the Secretary of State that lists each contribution made of over $100, as well as the total of all contributions made of $100 or less. The report must be filed on January 15th of each year and

covers the period of the previous year. The bill also requires the Secretary of State to include information from the New Organization Reports in the Campaign Finance Compilation Report that is required to be published not later than February 15th of each odd-numbered year. Finally, Senate Bill No. 557 gives the Secretary of State the authority to impose civil penalties for failure to file an Organization Report.

SENATOR SEEVERS GANSERT:

While I do not think this measure goes far enough, I stand in support of Senate Bill No. 557. I think it leaves a gaping hole, and we all know the issues we have had. I support this measure because it does require some reporting.

SENATOR CANCELA:

I rise in support of Senate Bill No. 557. This bill is important not only to increase transparency in campaign finance but also to ensure we are capturing the bulk of where campaign donations come from. Today, the lack of transparency on the donor side prevents voters from being able to know the full picture of campaign finance. This bill connects those dots so we can have better information on campaign finance. I urge this Body's support.

SENATOR HARDY:

I rise in support of this bill and the Floor statement made by the birthday girl from District 15.

SENATOR PICKARD:

I rise in support. I agree this is a step in the right direction; unfortunately, it is a baby step. There are obvious and simple ways to subvert the intent. It is easy to hide. A former member of this Body said words to the effect of if it is not on the report, it is okay. This does not provide the kind of transparency and audit trail we had the chance to provide. Instead, it merely takes a step to get some reporting well after the election is done. Some reporting is better than none however, so I support the bill.

Roll call on Senate Bill No. 557:

YEAS—21.

NAYS—None.

Senate Bill No. 557 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 541.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 541 provides for the implementation of the 2019 Capital Improvement Program as approved by the money committees. The bill includes funding in the amount of $306.4 million for the Capital Improvement Program. The bill includes the following major funding sources to support the program: $191.3 million in general obligation bonds; $16.2 million in agency funds to support the Nevada System of Higher Education, Department of Motor Vehicles, Department of Corrections, Veterans Services, Department of Wildlife and Department of Administration projects; $60.8 million in General Fund appropriations; $22.3 million in federal funds for Office of the Military, Department of Tourism and Cultural Affairs, Veterans Services and Department of Administration projects; $8.8 million in State Highway Funds for Department of Motor Vehicles and Department of Public Safety projects; $3.5 million in excess funding reallocated from projects approved in prior Capital Improvement Programs; and $3.4 million in slot tax funding from the Special Higher Education Capital Construction Fund.

Assembly Bill No. 541 provides $176.2 million to support 12 construction projects in the 2019 Capital Improvement Program. Notable construction projects include $8.9 million to fund the completion of the South Reno Department of Motor Vehicles; $13.1 million to fund the Marlette Lake Dam Rehabilitation; $61.9 million to construct a new 67,000 square-foot Education and Academic Building at the Nevada State College in Henderson, and $76.8 million to construct

a new 73,000 square-foot Health and Sciences Building at the College of Southern Nevada in Henderson.

Assembly Bill No. 541 provides $94.6 million for various maintenance projects for existing State facilities: $12.6 million for advance planning and design projects, and $23 million for Statewide projects, including roofing repairs, advance planning, paving, building official, fire and life safety and accessibility projects. The maintenance projects include approximately $39.3 million for the Department of Corrections for replacement of HVAC systems, doors and locks, water systems, plumbing fixtures, boilers, underground piping system and electrical upgrades; $15 million to address deferred maintenance projects for institutions of the Nevada System of Higher Education, and $12.3 million to address deferred maintenance projects including central plant renovations, generator, electrical, plumbing, cooling systems and a domestic and fire water system for the Department of Administration.

Notable planning projects include $8.1 million for the advance planning of the Grant Sawyer Office Building Remodel; $1.3 million for the advance planning to replace domestic water and sanitary sewer at the Northern Nevada Correctional Center; and $1.2 million for the advance planning of upgrades to the electrical distribution system at the Northern Nevada Correctional Center.

The bill includes a $15.75 property tax levy for debt service in each year of the 2019-2021 Biennium for general obligation bonds issued to finance the Capital Improvement Program. The bill includes an additional $1.25 levy that must be used exclusively for the repayment of bonded indebtedness issued because of the approval by the voters of Question 1 on the November 2002 Ballot. The approval of Question 1 by the voters authorized the issuance of bonds not to exceed $200 million to protect, preserve and obtain the benefits of the property and natural resources of our State. The total property tax levy of 17 cents remains unchanged from the levies approved for the 2017-2019 Biennium. The levies above the historic 15-cent levy, which is 2 cents, are not subject to the $3.64 local government property tax cap.

Roll call on Assembly Bill No. 541:

YEAS—21.

NAYS—None.

Assembly Bill No. 541 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 542.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 542 establishes the maximum allowable salaries for certain employees not in the classified service of the State. The bill also makes appropriations from the General Fund and the Highway Fund for salary increases for nonclassified, classified and unclassified State employees. Specifically, the bill includes funding for a 3 percent salary increase for Fiscal Year 2020, effective July 1, 2019.

Assembly Bill No. 542 authorizes the Department of Health and Human Services and the Department of Corrections to provide callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric and medical facilities. The bill also authorizes the Gaming Control Board to continue the credential pay plan, which provides up to $5,000 annually for unclassified employees who possess a current Nevada Certified Public Accountant certificate, a license to practice law or are in a qualifying position as electronic laboratory engineer and possess a bachelor of science or higher degree in engineering, electronic engineering or computer science.

Roll call on Assembly Bill No. 542:

YEAS—21.

NAYS—None.

Assembly Bill No. 542 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 543.

Bill read third time.

Remarks by Senators Woodhouse and Kieckhefer.

SENATOR WOODHOUSE:

The General Fund appropriations included in the General Appropriation Act total $2,796,977,426 in Fiscal Year 2020 and $2,936,605,500 in Fiscal Year 2021 or $5.734 billion over the 2019-2021 Biennium, an increase of approximately $749.9 million when compared to General Fund appropriations approved by the 2017 Legislature for the 2017-2019 Biennium. The Act includes Highway Fund appropriations totaling $130,923,243 in Fiscal Year 2020 and $133,351,434 in Fiscal Year 2021 or $264.3 million over the 2019-2021 Biennium, a decrease of approximately $22.6 million from the previous biennium.

The following are some of the funding highlights included in the General Appropriations Act. For the Office of Secretary of the State, the money committees approved General Fund Appropriations totaling $1 million over the 2019-2021 Biennium to implement the Automatic Voter Registration Initiative Petition approved by the voters during the 2018 General Election through the passage of Question 5.

K-12 education funding for public schools is considered separately in the School Funding Bill, which contains funding for basic support, class size reduction, English learners, teacher and administrator training, teacher incentives, educational technology, career and technical education, adult education, contingency for special education services, teacher's school supply reimbursement, Teach Nevada scholarship and the other State education programs. In closing the Department of Education budget, the money committees approved General Fund support totaling $96.4 million over the 2019-2021 Biennium, which includes $30.3 million to fund the administration of Statewide assessments.

In closing the budgets of the Nevada System of Higher Education (NSHE), the money committees approved revenue from all sources totaling $2.1 billion over the 2019-2021 Biennium. Of the total revenues, $1.4 billion, or 65.2 percent, are General Fund appropriations. In approving the NSHE budgets, the money committees continued funding the seven State supported instructional budgets with a higher education formula and distributing General Fund appropriations based on the NSHE institutions fiscal year 2018 Weighted Student Credit Hours. The money committees approved to fund Weighted Student Credit Hour caseload adjustments with General Fund appropriations of $20.9 million in each fiscal year of the 2019-2021 Biennium.

The money committees approved changing the primary source for the Problem Gambling budget from quarterly slot tax revenue to General Fund appropriations and increased total expenditure authority in the Problem Gambling Grants category to $4 million over the 2019-2021 Biennium. The money committees also approved General Fund appropriations totaling $510,411 over the 2019-2021 Biennium to fund a new Consumer Health Protection Bureau to provide a dispute resolution process regarding balance or surprise billing, the practice of billing consumers the difference between the bill charged by the provider and the amount their insurance pays.

The money committees approved total funding of $44.2 million or $30 million in General Fund appropriations for 96 new State positions and for contract board-certified behavioral counselors over the 2019-2021 biennium to allow for caseload adjustments and/or waitlist reductions as of March 31, 2019 for various ADSD programs.

In closing the programs within the Division of Healthcare Financing and Policy, the money committees approved General Fund appropriations of $1.78 billion over the 2019 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 checkup average monthly average caseload projected to be approximately 31,000 in Fiscal Year 2020 and 31,400 in Fiscal Year 2021.

For the Support of Prison Rape Elimination Act staffing ratios, the money committees approved 27 new positions and General Fund appropriations of $2.7 million between Summit View Youth Center, Caliente Youth Center and Nevada Youth Training Center budgets. The money committees also approved a 12-bed expansion to the Desert Willow Treatment Center, including $2.6 million in General Fund appropriations and 26 new positions as part of a Statewide juvenile justice capacity reorganization.

The money committees approved $2.6 million in Highway Fund appropriations over the 2019-2021 Biennium to support the addition of 10 new DPS officer positions to provide coverage at USA Parkway and Interstate 11, and replacing 2 new Governor-recommended DPS sergeants with 2 new management analyst positions to reassign to existing sergeants from administrative duties to the field.

The money committees approved a new methodology to fund forest fire suppression costs based on a 5-year average, funded with additional General Fund appropriations of $1.8 million in Fiscal Year 2020 and $2.3 million in Fiscal Year 2021. The money committees also approved a one-time General Fund appropriation of $10 million to the Contingency Account for the allocation to the Division of Forestry to cover a portion of the outstanding fire liabilities from prior year incidents and are anticipated to be paid over the 2019-2021 Biennium.

SENATOR KIECKHEFER:

I rise in support of Assembly Bill No. 543. I would like to take a minute to thank my colleague from District 5 who worked collaboratively and graciously this Session to incorporate all ideas and concerns as we processed this budget. This is her last day on the Floor of this Senate during a regular Session. I am sure there will be the opportunity later to make remarks, but I would like to point out, as we process this bill, it has been a fabulous process from a budgetary perspective and to ensure this is on the record. I encourage my colleagues to support this bill.

Roll call on Assembly Bill No. 543:

YEAS—21.

NAYS—None.

Assembly Bill No. 543 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 445.

Bill read third time.

Remarks by Senators Ratti and Kieckhefer.

SENATOR RATTI:

Assembly Bill No. 445 requires a marketplace facilitator, defined as a person who directly or indirectly facilitates retail sales to customers in Nevada, to collect and remit sales and use taxes if the facilitator, in a calendar year or in the immediately preceding calendar year, had cumulative gross receipts from retail sales made to customers in Nevada, on its own behalf or on behalf of a marketplace seller, which exceeded $100,000, or made or facilitated 200 or more separate retail sales transactions, on its own behalf or on behalf of a marketplace seller. The bill specifies that a marketplace facilitator is not required to collect and remit sales and use taxes if the facilitator has entered into a written agreement with a seller indicating that the seller assumes the responsibility to collect and remit the sales taxes on sales made by the seller through the marketplace facilitator.

Finally, Assembly Bill No. 445 provides a General Fund appropriation of $1 million to the Interim Finance Committee for personnel and operating costs incurred by the Department of Taxation related to the implementation of this act.

SENATOR KIECKHEFER:

I rise in support of Assembly Bill No. 445. The bill provides the statutory implementation of the Supreme Court's Wayfair decision, which we have done in Nevada up until now using regulations. One major change between those regulations and this statute is the definition of a

marketplace facilitator. While that term is defined in the bill, the term "marketplace" is not; however, during the Senate Revenue and Economic Development Committee meeting we had recently, the sponsor and the Committee Counsel noted that actions such as Internet advertising are not considered to occur in a marketplace and thereby do not facilitate a retail sale.

Additionally, testimony was provided that Assembly Bill No. 445 is not intended to capture any computer machine validating or processing of a transaction on a public blockchain network in the new definition of "marketplace facilitator." With those clarifications on the record during the Committee meeting, I am happy to support the bill.

Roll call on Assembly Bill No. 445:

YEAS—21.

NAYS—None.

Assembly Bill No. 445 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 527.

Bill read third time.

Remarks by Senators Woodhouse and Pickard.

SENATOR WOODHOUSE:

Assembly Bill No. 527 amends Nevada Revised Statute 425.3847 to implement a federally-mandated increase of the annual fee imposed for the collections of child support. Existing law requires custodial parents who have never received public assistance pay an annual fee for child support services. The federal Bipartisan Budget Act of 2018 increased the amount of the mandatory annual fee from $25 to $35, effective October 2019. Assembly Bill No. 527 would also increase the threshold of any amount collected in the child-support case from $500 to $550 before applying the annual fee. Assembly Bill No. 527 is a budget implementation bill.

SENATOR PICKARD:

I stand in support of Assembly Bill No. 527. One of the things I do in my real life is try to collect support for children. This is an important step to try to keep our children fed, clothed and able to go to school. This is one of the most fundament things we can support, and I urge your support of Assembly Bill No. 527.

Roll call on Assembly Bill No. 527:

YEAS—21.

NAYS—None.

Assembly Bill No. 527 having received a two-thirds majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 19.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 19 revises provisions relating to service of process requirements for certain temporary and extended orders for protection. The measure provides that an extended order for protection against domestic violence and an extended order for protection against stalking, aggravated stalking or harassment expire after not more than two years. The court is required to enter a finding of fact providing the basis for the imposition of an extended order for a period of greater than one year and at any time either party may move a court to modify or dissolve an extended order because of changed circumstances of the parties. The penalty for intentionally

violating such an extended order is increased. A person who commits any other crime which constitutes a violation of a temporary or extended order may be prosecuted for each crime separately. The name of the Repository for Information Concerning Orders for Protection Against Domestic Violence is changed to the Repository for Information Concerning Orders for Protection. The Repository is required to maintain records of all temporary and extended orders for protection against stalking, aggravated stalking or harassment within the Central Repository for Nevada Records of Criminal History, Department of Public Safety.

Roll call on Assembly Bill No. 19:

YEAS—21.

NAYS—None.

Assembly Bill No. 19 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 43.

Bill read third time.

Remarks by Senator Hansen.

Assembly Bill No. 43 increases the number of district judges in the Second, Fourth and Eighth Judicial Districts and appropriates from the State General Fund to the Supreme Court of Nevada $1,104,906 for their salaries, travel expenses and retirement benefits. For the Second Judicial District, the number of family court judges increases from six to seven. For the Fourth Judicial District Court, the number of district judges increases from two to three. For the Eighth Judicial District, the number of judges of the family court increases from 20 to 26. Each additional district judge must be selected at the General Election to be held on November 3, 2020, and take office on January 4, 2021, for a term that expires on January 4, 2027.

Roll call on Assembly Bill No. 43:

YEAS—21.

NAYS—None.

Assembly Bill No. 43 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 80.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 80 creates the Department of Sentencing Policy and provides for the appointment and duties of an Executive Director of the Department. The bill transfers the duties and staff of the Nevada Sentencing Commission to the newly established Department and designates the Executive Director as the Executive Secretary of the Commission. The measure revises the membership of the Commission to remove the Attorney General and to add one representative each from the Office of the Clark County Public Defender and the Office of the Washoe County Public Defender and requires the Commission to hold its first meeting on or before September 1 of each odd-numbered year. Lastly, the bill revises the duties of the Commission to provide certain recommendations and advice concerning the Department.

Roll call on Assembly Bill No. 80:

YEAS—21.

NAYS—None.

Assembly Bill No. 80 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 81.

Bill read third time.

Remarks by Senators Scheible and Hansen.

SENATOR SCHEIBLE:

Assembly Bill No. 81 makes various changes relating to the oversight and provision of legal representation of indigent defendants in criminal cases.

SENATOR HANSEN

I will be voting "no" on this. There are still some significant concerns with the rural counties and the potential fiscal issues raised in the bill.

Conflict of interest declared by Senator Ohrenschall.

Roll call on Assembly Bill No. 81:

YEAS—16.

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

NOT VOTING—Ohrenschall.

Assembly Bill No. 81 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 84.

Bill read third time.

Remarks by Senators Scheible, Kieckhefer and Hansen.

SENATOR SCHEIBLE:

Assembly Bill No. 84, requires the State Board of Finance to issue not more than $217.5 million in General Obligation Bonds to fund certain activities to protect, preserve and obtain the benefits of the property and natural and cultural resources of the State of Nevada.

SENATOR KIECKHEFER:

I rise in support of Assembly Bill No. 84. I originally requested a bill draft to do ultimately the same thing. Preserving our cultural and natural resources is an obligation of the State. This provides access for recreational opportunities for scores of Nevadans and tourists who come to the State. It is a good program, and I urge my colleagues to support it.

SENATOR HANSEN:

I like the ideas behind the bill, but this was done on a ballot question that has now expired. If the people want to continue to pay this tax, it is reasonable to have it go back on the ballot again. I will be voting "no".

Roll call on Assembly Bill No. 84:

YEAS—20.

NAYS—Hansen.

Assembly Bill No. 84 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 1:27 p.m.

## SENATE IN SESSION

At 2:55 p.m.

President Marshall presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Senate Bill No. 303; Assembly Bills Nos. 414, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 515, 516, 517, 518, 519, 520, 522, 523, 530, 532, 540 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

### GENERAL FILE AND THIRD READING

Senate Bill No. 303.

Bill read third time.

The following amendment was proposed by Senator Woodhouse:

Amendment No. 1118.

SUMMARY—Makes an appropriation for incentives for teachers who have received a national board certification and are employed to teach at certain Title I schools. (BDR S-1070)

AN ACT making an appropriation to the Department of Education for incentives for teachers who have received a national board certification and are employed to teach at certain Title I schools; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Education for the purpose set forth in subsection 2 the following sums:

For the Fiscal Year 2019-2020.....~~[$450,000]~~ $200,000

For the Fiscal Year 2020-2021.....~~[$450,000]~~ $200,000

2. The Department of Education shall use the money appropriated by subsection 1 to provide incentives for teachers who have received a national board certification and are employed to teach at Title I schools ~~[.]~~ that also have one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. To the extent that money is available, the Department shall establish the amount of the incentive provided to each teacher, which must not exceed $2,500 per fiscal year.

3. As used in this section, "Title I school" has the meaning ascribed to it in NRS 385A.040.

Sec. 2. Any remaining balance of the appropriations 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.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 1118 to Senate Bill No. 303 does two things. It changes the amount allocated to the Department of Education to distribute to nationally board-certified teachers who teach in Title I, Tier I schools from $450,000 to $200,000 in each year of the 2019-2021 Biennium, and it narrows schools where nationally board-certified teachers who are eligible for the allotment teach from Title I schools, to Title I, Tier I schools.

Amendment adopted.

Bill read third time.

Remarks by Senator Cancela.

Senate Bill No. 303 allows our lowest-performing schools to have access to some of our best teachers. To become a national board-certified teacher, a teacher must undergo almost three years of rigorous testing and training. When they become nationally board-certified, they make a big difference in the schools in which they teach by not only mentoring other teachers but, also, by enhancing curriculum and ensuring schools have access to some of our best educators. The bill allows the Board of Education to give an incentive to nationally board-certified teachers to teach at Title I, Tier I schools. I urge this Body's passage of it.

Roll call on Senate Bill No. 303:

YEAS—20.

NAYS—None.

ABSENT—Kieckhefer.

Senate Bill No. 303 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 414.

Bill read third time.

The following amendment was proposed by Senator Woodhouse:

Amendment No. 1116.

SUMMARY—Makes ~~[appropriations]~~ an appropriation to provide grants to assist senior citizens and certain other persons with independent living. (BDR S-101)

AN ACT ~~[relating to public health;]~~ making ~~[appropriations]~~ an appropriation to provide grants to provide respite care or relief of informal

caretakers to assist senior citizens and certain other persons with independent living; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to allocate, by contract or grant, money for expenditure by the Aging and Disability Services Division of the Department in the form of grants for existing or new programs that provide respite care or relief of informal caretakers to assist senior citizens and other specified persons with independent living. (NRS 439.630) This bill ~~[appropriates money to: (1) provide such grants in the amount of $1,200 each; and (2)]~~ makes an appropriation to reduce the current waiting list for such a grant.

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 Aging and Disability Services Division of the Department of Health and Human Services for the purpose of awarding grants pursuant to subparagraph (1) of paragraph (d) of subsection 1 of NRS 439.630 for programs that provide respite care or relief of informal caretakers to assist senior citizens and other specified persons with independent living in the amount of $1,200 per grant the following sums:~~

~~For the Fiscal Year 2019-2020..... $149,000~~

~~For the Fiscal Year 2020-2021..... $149,000~~

~~2.]~~ There is hereby appropriated from the State General Fund to the Aging and Disability Services Division of the Department of Health and Human Services for the purpose of reducing the waiting list to receive a grant pursuant to subparagraph (1) of paragraph (d) of subsection 1 of NRS 439.630 for programs that provide respite care or relief of informal caretakers to assist senior citizens and other specified persons with independent living the following sums:

For the Fiscal Year 2019-2020..... $296,803

For the Fiscal Year 2020-2021..... $296,803

~~[3.]~~ 2. The Aging and Disability Services Division of the Department of Health and Human Services may use not more than $72,403 of the amounts appropriated by subsection ~~[2]~~ 1 for each fiscal year to pay operating costs incurred to carry out the provisions of that subsection.

~~[4.]~~ 3. Any balance of the sums appropriated by ~~[subsections]~~ subsection 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 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. 2. This act becomes effective on July 1, 2019.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Senate Amendment No. 1116 to Assembly Bill No. 414 eliminates General Fund appropriations of $149,000 in each fiscal year of the 2019-2021 Biennium to the Aging and Disability Services Division of the Department of Health and Human for grants that provide respite care or relief of informal caretakers to assist senior citizens and other specified persons with independent living of $1,200 each.

Amendment adopted.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 414, makes General Fund appropriations of $296,803 in each fiscal year of the 2019-2021 Biennium to the Aging and Disability Services Division of the Department of Health and Human Services to reduce the waiting list to give a grant for respite care or relief of informal caretakers who assist senior citizens or other specified persons with independent living.

Roll call on Assembly Bill No. 414:

YEAS—21.

NAYS—None.

Assembly Bill No. 414 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 500.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 500, appropriates a total of $40.7 million, comprised of $33 million General Funds and $7.7 million Highway Funds, to the Governor's Office of Finance to support the replacement of the existing Financial and Human Resources information systems with a modernized, cloud-based enterprise resource planning information system. The bill requires that any remaining balance of the appropriations must not be committed for expenditure after June 30, 2023, and any remaining balance must revert to the fund from which it was appropriated on or before September 15, 2023. Assembly Bill No. 500, also revises the provisions of chapter 444, Statutes of Nevada 2017, to authorize the Interim Finance Committee to allocate the appropriations made in Fiscal Year 2017 to replace the existing Financial and Human Resources management information systems in Fiscal Year 2020 and Fiscal Year 2021. It also requires that the remaining balance must not be committed for expenditure after June 30, 2021, and any remaining balance must revert to the fund from which it was appropriated on or before September 17, 2021.

Roll call on Assembly Bill No. 500:

YEAS—21.

NAYS—None.

Assembly Bill No. 500 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 501.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 501, makes a $4,783,246, one-time General Fund appropriation to the Fleet Services Division of the Department of Administration for the purchase of replacement vehicles.

Roll call on Assembly Bill No. 501:

YEAS—21.

NAYS—None.

Assembly Bill No. 501 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 502.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 502 makes a $500,000, one-shot General Fund appropriation to the Office of Finance to fund an electronic tracking system for capital improvement projects managed by the Department of Administration, State Public Works Division.

Roll call on Assembly Bill No. 502:

YEAS—21.

NAYS—None.

Assembly Bill No. 502 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 503.

Bill read third time.

Remarks by Senators Woodhouse, Pickard and Kieckhefer.

SENATOR WOODHOUSE:

Assembly Bill No. 503, makes a $5.6 million, one-shot appropriation to the Department of Administration, Division of Fleet Services for the purchase of new vehicles over the 2019-2021 Biennium.

SENATOR PICKARD:

How does this differ from Assembly Bill No. 501 we just appropriated to the same Department?

SENATOR KIECKHEFER:

Senate Bill No. 501 replaces existing vehicles. Assembly Bill No. 503 is for the purchase of new vehicles to enhance the size of the fleet.

Roll call on Assembly Bill No. 503:

YEAS—20.

NAYS—Pickard.

Assembly Bill No. 503 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 504.

Bill read third time.

Remarks by Senator Cancela.

Assembly Bill No. 504 makes General Fund appropriations totaling $399,084 over the biennium to the State Department of Agriculture for the following: $225,000 for four replacement vehicles for the Department's Agriculture Enforcement Officers, $159,605 for new laboratory equipment for the Veterinary Medical Services budget and $14,479 for replacement laboratory equipment for the Veterinary Medical Services budget.

Roll call on Assembly Bill No. 504:

YEAS—21.

NAYS—None.

Assembly Bill No. 504 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 505.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 505, provides one-shot General Fund appropriations totaling $3.8 million to the Department of Conservation and Natural Resources, Division of State Parks, to fund self-pay kiosks, replacement vehicles, paving and construction projects at the Ice Age Fossils State Park and maintenance equipment for the Sand Harbor, Lake Tahoe Nevada State Park.

Roll call on Assembly Bill No. 505:

YEAS—21.

NAYS—None.

Assembly Bill No. 505 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 506.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 506, authorizes General Fund appropriations for the following: $420,000 for upgrades to the Nevada Offenders Tracking Information System; $623,060 for the installation of a key control, update system for prison facilities; $96,100 for the replacement of uninterruptible power supply equipment; $3,390 for the purchase of data racks for the main data centers; $152,371 for the replacement of handheld and vehicle radios and repeater upgrades; $4,380 for the replacement of scanners, and $1 million for the purchase of desktop and laptop computers.

Roll call on Assembly Bill No. 506:

YEAS—21.

NAYS—None.

Assembly Bill No. 506 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 507.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 507 makes a General Fund appropriation of $822,498 to the Nevada Department of Corrections for the replacement of prisoner passenger buses. The bill also makes a General Fund appropriation of $1.7 million for the replacement of other vehicles.

Roll call on Assembly Bill No. 507:

YEAS—21.

NAYS—None.

Assembly Bill No. 507 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 508.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 508, authorizes General Fund appropriations of $114,700 in Fiscal Year 2019 to the Department of Corrections to replace medical equipment. The bill also appropriates General Funds of $385 in Fiscal Year 2019 for the purchase of a deep vascular scanner.

Roll call on Assembly Bill No. 508:

YEAS—21.

NAYS—None.

Assembly Bill No. 508 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 509.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 509 makes a $543,488 General Fund appropriation to the Nevada Equal Rights Commission to fund a case management and client intake system.

Roll call on Assembly Bill No. 509:

YEAS—21.

NAYS—None.

Assembly Bill No. 509 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 510.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 510 appropriates $87,000 from the State General Fund to the Department of Motor Vehicles for the costs of implementing the Automatic Voter Registration Initiative, or Ballot Question No. 5, passed by the voters at the 2018 General Election.

Roll call on Assembly Bill No. 510:

YEAS—21.

NAYS—None.

Assembly Bill No. 510 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 511.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 511, provides General Fund appropriations of $543,236 and Highway Fund appropriations of $90,690 for replacement vehicles and General Fund appropriations of $48,747 and Highway Fund appropriations of $4,189 for computer hardware and software.

Roll call on Assembly Bill No. 511:

YEAS—21.

NAYS—None.

Assembly Bill No. 511 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 512.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 512, makes appropriations totaling $8,109,502 to the Governor's Office of Finance for loans to the Division of Enterprise Information Technology Services. This includes $4,186,202 for the implementation of an enterprise cloud business productivity system, $2,138,800 for the replacement of firewalls and $1,784,500 for the replacement of the web-content management platform and the replacement of computer hardware. The bill requires the repayment of the loans in four annual installments beginning in Fiscal Year 2021.

Roll call on Assembly Bill No. 512:

YEAS—21.

NAYS—None.

Assembly Bill No. 512 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 513.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 513, makes a $27,387 General Fund appropriation and a $47,056 Highway Fund appropriation to replace computer hardware and software for the Department of Public Safety, Training Division.

Roll call on Assembly Bill No. 513:

YEAS—21.

NAYS—None.

Assembly Bill No. 513 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 515.

Bill read third time.

Remarks by Senators Woodhouse and Settelmeyer.

SENATOR WOODHOUSE:

Assembly Bill No. 515, makes a $230,000 General Fund appropriation to the Legislative Fund for reimbursement of costs related to a consultant retained by the Nevada Right to Counsel Commission and interim travel expenses incurred by the Commission. The measure, also appropriated $1,827,353 in General Funds to the Legislative Fund for computer hardware, building maintenance and dues to national organizations.

SENATOR SETTELMEYER:

I appreciate almost every aspect of the bill but personally believe we, as Legislators, should pay our own dues to national organizations. I do appreciate the fact our staffs can participate in the program. I wish there was a way to pull that out. My vote in opposition is not against the entirety of the bill but just that one section. We should take it upon ourselves to use our campaign dollars to do this.

Roll call on Assembly Bill No. 515:

YEAS—19.

NAYS—Hansen, Settelmeyer—2.

Assembly Bill No. 515 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 516.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 516, makes an appropriation of $10 million to the Interim Finance Committee for the unanticipated costs related to the implementation of Marsy's Law.

Roll call on Assembly Bill No. 516:

YEAS—21.

NAYS—None.

Assembly Bill No. 516 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 517.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 517, appropriates $8,475 to the Office of the Governor for a shortfall in the utility costs for the Governor's Mansion; $12,500 to the Office of the Governor for a shortfall in operating costs, and $33, 556 to the Office of Finance in the Office of the Governor for a shortfall of contract costs in the Budget Division of the Office of Finance.

Conflict of interest declared by Senator Brooks.

Roll call on Assembly Bill No. 517:

YEAS—20.

NAYS—None.

NOT VOTING—Brooks.

Assembly Bill No. 517 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 518.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 518 appropriates General Funds totaling $1,563,311 in Fiscal Year 2019 to the Division of Public and Behavioral Health, Office of Health Administration Budget, in order to fund an unanticipated shortfall in the Division's cost allocation reimbursement revenues.

Roll call on Assembly Bill No. 518:

YEAS—21.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 519.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 519, appropriates from the State General Fund $2.7 million to the Stale Claims Account; $12,133,919 to the Statutory Contingency Account, and $23,167,598 to the Interim Finance Committee Contingency Account.

Roll call on Assembly Bill No. 519:

YEAS—21.

NAYS—None.

Assembly Bill No. 519 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 520.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 520 provides one-time a General Fund appropriation of $1,472,521 in Fiscal Year 2019 to the Division of Public and Behavioral Health which includes $353,612 for the purchase of computer hardware and software replacement equipment for several programs in the Division; $112,000 for a new web-based health services system for the Community Health Services program; $21,000 for a skid steer for the Southern Nevada Adult Mental Health Services campus, and $985,909 for deferred maintenance, a phone system upgrade and the purchase of a tractor for deferred maintenance and building and grounds repairs on the Northern Nevada Adult Mental Health Services campus.

Roll call on Assembly Bill No. 520:

YEAS—21.

NAYS—None.

Assembly Bill No. 520 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 522.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 522, appropriates General Funds of $1,438,500 to upgrade the Nevada Executive Budget System and $53,052 to replace various office furniture for the Budget Division of the Office of Finance in the Office of the Governor.

Roll call on Assembly Bill No. 522:

YEAS—21.

NAYS—None.

Assembly Bill No. 522 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 523.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 523, appropriates Highway Funds totaling $1,183,573 in Fiscal Year 2019 to the Department of Motor Vehicles, Division of Information Technology, to fund the following one-time expenditures: the replacement of uninterruptible power supply equipment for $150,000; the replacement of two storage area network units for $660,680; a phone system upgrade for $279,393, and CrowdStrike software for $93,500, which would allow the Department to proactively identify suspicious activity within its IT environments.

Roll call on Assembly Bill No. 523:

YEAS—21.

NAYS—None.

Assembly Bill No. 523 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 530.

Bill read third time.

Remarks by Senator Woodhouse

Assembly Bill No. 530 requires the Department of Taxation to conduct a background investigation of its employees and contractors every five years after the initial investigation and obtain information on the background or personal history of a prospective employee or contractor. The bill also requires a current contractor to submit information to the Department of Taxation for such background investigation when his or her contract is being renewed.

Roll call on Assembly Bill No. 530:

YEAS—21.

NAYS—None.

Assembly Bill No. 530 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 532.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 532 authorizes the Director of the Department of Motor Vehicles to enter into a contract with a vendor to provide for the issuance and tracking of temporary placards. In addition, Assembly Bill No. 532 allows the vendor to charge and collect a fee for each temporary placard issued.

Roll call on Assembly Bill No. 532:

YEAS—21.

NAYS—None.

Assembly Bill No. 532 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 540.

Bill read third time.

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

Motion carried.

Senate in recess at 3:31 p.m.

## SENATE IN SESSION

At 3:33 p.m.

President Marshall presiding.

Quorum present.

Remarks by Senator Woodhouse.

Assembly Bill No. 540 is a budget implementation bill that revises the percentage distribution of administrative assessments between Judicial Branch budgets for the 2019-2021 Biennium only in accordance with the closing of the respective budgets by the money committees.

Roll call on Assembly Bill No. 540:

YEAS —20.

NAYS —None.

ABSENT—Cancela.

Assembly Bill No. 540 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 104.

Bill read third time.

Remarks by Senators Woodhouse and Goicoechea.

SENATOR WOODHOUSE:

Assembly Bill No. 104, makes a $350,000 appropriation to the Account for the Nevada Main Street Program for continued support of local Main Street programs.

SENATOR GOICOECHEA:

I supported this bill out of Committee, but as I looked at it, I am concerned it does not require a local match or involvement from local governments or jurisdictions as these programs are introduced, so I will be opposing the bill.

Roll call on Assembly Bill No. 104:

YEAS—13.

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

Assembly Bill No. 104 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 150.

Bill read third time.

Remarks by Senator Ratti.

Assembly Bill No. 150 requires the Division of Child and Family Services of the Department of Health and Human Services to establish a working group to study existing programs for children who are under the jurisdiction of the court, reach 18 years of age and enter into an agreement with a child-welfare agency to remain under the jurisdiction of the court until 21 years of age and other similar issues.

Roll call on Assembly Bill No. 150:

YEAS—21.

NAYS—None.

Assembly Bill No. 150 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 176.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 176 creates the Sexual Assault Survivors' Bill of Rights, which sets forth certain rights provided to a survivor, including the right to consult with a sexual assault victims' advocate privileged communication with a sexual assault victims' advocate. It designates an attendant of the survivor's choosing to provide support and to be interviewed by a law enforcement official of the gender of choosing of the survivor. It retains the right to consult with an advocate or an attendant even if the survivor initially waived that right during a previous interview. It allows for consent to having the fact that the survivor waived the right to consult with an advocate entered into evidence, otherwise this information is not admissible. It provides for counsel under certain circumstances. It provides for prompt, genetic marker test of a sexual assault forensic evidence kit. It allows for the survivor to be informed of the results of the genetic marker analysis.

This is a bill that provides protections and support for those who need it the most. I am struck by the idea that sometimes we pass things that are feel-good legislation but do not provide a lot of rights; this can at sometimes be characterized as that. When I look this bill, it provides sexual assault survivors the respect to know, if they report sexual assault, they will be respected in the process. It is a process that does not come with a lot of dignity. The process requires an immediate disclosure to a stranger and law enforcement. It requires repeated questioning of the victim to ferret out if they are telling the truth, and for those who are, it can be detrimental. It provides a process whereby that individual has to be poked and prodded by a medical examiner to obtain evidence in a very undignified fashion. The least we can do, and what we are doing in this bill, is providing that someone can be there with them to help them through that difficult process and provide dignity and respect so people can feel safe in reporting sexual assault. I urge the Body's support.

Roll call on Assembly Bill No. 176:
YEAS—21.
NAYS—None.

Assembly Bill No. 176 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 196.
Bill read third time.
Remarks by Senator Denis.

Assembly Bill No. 196, appropriates $5 million over the 2019-2021 Biennium from the State General Fund to the Department of Education to provide incentives for existing teachers teaching at Title I schools or schools designated as underperforming pursuant to the Statewide system of accountability for public schools.

Roll call on Assembly Bill No. 196:
YEAS—21.
NAYS—None.

Assembly Bill No. 196 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 224.
Bill read third time.
Remarks by Senators Woodhouse and Settelmeyer.

SENATOR WOODHOUSE:
Assembly Bill No. 224, revises the Nevada Grow Act, which was established during the 2015 Legislative Session. The bill makes several changes to the Nevada Grow Program. It transfers oversight of the program from the Governor's Office of Economic Development (GOED) to the Division of Workforce and Economic Development at the College of Southern Nevada (CSN). It requires that the Division of Workforce and Economic Development at CSN be responsible for the selection and management of the lead counselor at CSN; adds the Henderson Chamber of Commerce, the Asian Community Development Council and various other entities affiliated with the Small Business Administration to the list of stakeholders participating in the program. It expands the role of the Small Business Development Centers to ensure development and partnership with GOED and the Regional Business Development Advisory Council (RBDAC); and specifies the direct program expenditures that may be funded with the appropriation in the bill include expenditures on data software and interns. Assembly Bill No. 224 also provides for a General Fund appropriation of $425,000 to the Nevada System of Higher Education to allow the CSN to perform certain tasks relating to the administration of the Nevada Grow Program over the 2019-2021 Biennium.

SENATOR SETTELMEYER:
I am concerned we are giving out $425,000, which I think could have been more properly placed in education.

Roll call on Assembly Bill No. 224:
YEAS—19.
NAYS—Hansen, Settelmeyer—2.

Assembly Bill No. 224 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 3:44 p.m.

## SENATE IN SESSION

At 3:58 p.m.

President Marshall presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Assembly Bill No. 96 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

Senator Cannizzaro moved that Assembly Bills Nos. 236, 309 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 250.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 250, appropriates $13,980 from the State General Fund to the Legislative Fund for five members of the Legislative Committee on Public Lands and one staff member of the Legislative Counsel Bureau to attend informational meetings and tours in Washington, D.C. during the 2019-2020 Interim.

This was a longstanding practice of this Committee until we hit the recession in 2009. I did this tour once with my colleague from District 21's mother, so it has been a long time.

Roll call on Assembly Bill No. 250:

YEAS—21.

NAYS—None.

Assembly Bill No. 250 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 271.

Bill read third time.

The following amendment was proposed by Senator Spearman:

Amendment No. 1103.

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 provide certain notice to the Labor Commissioner and the employees who will be 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 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:*

*(1) The relocation; and*

*(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:*

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

*(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. 1103 to Assembly Bill No. 271 clarifies that an employer who operates a call center who has provided the proper notice regarding relocation of the call center or certain operations to a foreign country is ineligible to receive incentives for economic development from a State agency for a period of five years following the date upon providing the required notice, with certain exceptions.

Amendment adopted.

Bill read third time.

Remarks by Senators Settelmeyer and Seevers Gansert.

SENATOR SETTELMEYER:

Assembly Bill No. 271 requires a call center employer with 50 or more call center employees to provide certain notice to the Labor Commissioner and affected employees before relocating a call center or certain operations of a call center to a foreign country. Such an employer is ineligible to receive incentives for economic development from a State agency for a period of five years following the date upon providing the required notice, with certain exceptions. The bill also authorizes the Labor Commissioner to impose certain civil penalties on an employer who fails to provide the required notice or to require an employer, who has received an incentive for economic development from a State agency within the immediately preceding ten years and who fails to provide the notice to conduct a study, at the expense of the employer, to determine the financial impact of the failure to provide the required notice and imposes a civil penalty in an amount based on the results of that study.

We worked on the amendment, that some of the larger corporations were amenable to, in order to make the bill better.

SENATOR SEEVERS GANSERT:

We had some discussions about when this would be triggered. It was determined it would be when an economic development incentive from the State specifically related to a call center versus a general economic incentive. This would be specific to a call center.

Roll call on Assembly Bill No. 271:

YEAS—21.

NAYS—None.

Assembly Bill No. 271 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 322.

Bill read third time.

Remarks by Senator Scheible.

Assembly Bill No. 322, makes a General Fund appropriation of $3 million to the Eighth Judicial District to support the operation of juvenile-assessment centers. The funds are appropriated to operate juvenile-assessment centers in the Districts, fund mental-health professionals, fund certain support services provided by a center and fund regional multidisciplinary prevention teams.

Roll call on Assembly Bill No. 322:

YEAS—21.

NAYS—None.

Assembly Bill No. 322 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 326.

Bill read third time.

Remarks by Senator Dondero Loop.

Assembly Bill No. 326, revises the provisions of the Nevada New Markets Jobs Act by establishing a definition of "fresh food retailers" and provides that business entities that invest in certain fresh food retailers located in underserved communities are qualified for tax credits authorized under the Nevada New Markets Jobs Act. The bill generally defines "qualified fresh food retailer" to mean a retail establishment that is principally devoted to or that derives a substantial amount of its gross revenue from the sale of certain food products; meets certain requirements prescribed by federal law, and is located in an underserved community or a similar area.

Roll call on Assembly Bill No. 326:
YEAS—20.
NAYS—Hansen.

Assembly Bill No. 326 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 338.
Bill read third time.
Remarks by Senators Denis, Hardy, Ohrenschall and Hammond.

SENATOR DENIS:
Assembly Bill No. 338, authorizes completion of a hands-on defensive driving course in lieu of completing 50 hours of supervised driving experience for any applicant for a driver's license who is under 18 years of age. Assembly Bill No. 338, requires the Department of Motor Vehicles (DMV) to approve and maintain a list of such courses, including the list on an Internet website identifying those courses which are provided free, and in the event no such free courses are available, provide notice of that fact.

Assembly Bill No. 338, provides that, in lieu of the supervised driving experience, a person applying for a noncommercial class C driver's license may provide proof to the Department he or she has successfully completed a hands-on course in defensive driving that has been approved by the Department. Assembly Bill No. 338, provides Highway Fund appropriations of $91,844 in Fiscal Year 2020 and $92,099 in Fiscal Year 2021 to the DMV for the salary and operating costs of a new Education Officer in the Agency's Compliance Enforcement Division who would be responsible to approve and audit the new Defensive Driving Course Curriculum

SENATOR HARDY:
I am unaware of the advantages of carrying a placard in the back window of a car. Is that still there, and is there a rationale for that showing drivers run into student driving vehicles less if it is in place?

SENATOR DENIS:
I am not sure what you are addressing, and placards in the back of student driver cars was not discussed in the hearing.

SENATOR OHRENSCHALL:
I am a primary cosponsor of the bill with Assemblyman Wheeler, and I would like first like to complement the Nevada Youth Legislator who worked so hard on this bill, Mr. Nathan Tea. He proposed this idea for the Youth Legislature's bill, and it was not selected, but he persevered and found a sponsor. He testified on this bill and worked the halls, and I want to give him kudos for this bill. As for the placards, that was in the original version of the bill and amended out in the first amendment in the Assembly.

SENATOR HAMMOND:
If my colleague from Boulder City still likes the idea, he could go to Canada to see it.

Roll call on Assembly Bill No. 338:
YEAS—21.
NAYS—None.

Assembly Bill No. 338 having received a constitutional majority, Madam President declared it passed.
Bill ordered transmitted to the Assembly.

Assembly Bill No. 356.

Bill read third time.

Remarks by Senator Scheible

Assembly Bill No. 356 establishes provisions authorizing the filing of a petition for a hearing to establish the post-conviction factual innocence of a person based on newly discovered evidence. If factual innocence of the petitioner is established, the court is required to vacate the petitioner's conviction and issue an order of factual innocence and exoneration and order the sealing of all records of criminal proceedings relating to the case.

Roll call on Assembly Bill No. 356:

YEAS—21.

NAYS—None.

Assembly Bill No. 356 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 425.

Bill read third time.

Senator Harris moved that the bill be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assembly Bill No. 452.

Bill read third time.

Remarks by Senator Pickard.

Assembly Bill No. 452 amends the Nevada Lobbying Disclosure Act and designates certain provisions of existing law as Nevada's Financial Disclosure Act. Certain provisions concerning reporting by lobbyists are aligned with required reporting by public officials. Assembly Bill No. 452 clarifies various terms. An "educational or informational meeting, event or trip" does not include a trip taken as part of a Legislator's employment or contract service or an event to which every Legislator is invited. A "gift" does not include an event held in a government facility, a function indicated to be a legislative event, or anything of value received as part of bona fide employment or contract service. A "member of the Legislative Branch" includes all Legislators as well as all legislative staff.

The measure requires lobbyists to register from the date of the first lobbying activity. These provisions do not apply to a person who ceases all lobbying activity and no longer engages in lobbying. Individuals registering as lobbyists must provide, to the Director of the Legislative Counsel Bureau (LCB), contact information and identification of each specific client that the registrant represents. A lobbyist shall report any change in information by filing a supplementary registration statement. Suspension or revocation of a lobbyist's registration does not relieve a lobbyist of reporting. A client of a lobbyist is not required to register as a lobbyist unless the client also engages in lobbying.

The Legislative Commission may adopt regulations that provide for exemptions and exceptions to the required registration by lobbyists. The Director of the LCB shall interpret provisions and coordinate with the Secretary of State to ensure uniformity in the required reporting. Finally, Assembly Bill No. 452 provides that an appointed public officer who did not previously serve in a public office that required the filing of a financial disclosure statement shall file a statement for the 30 days immediately preceding the date of appointment.

Roll call on Assembly Bill No. 452:

YEAS—21.

NAYS—None.

Assembly Bill No. 452 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 483.

Bill read third time.

Remarks by Senators Cancela and Settelmeyer.

SENATOR CANCELA:

Assembly Bill No. 483 requires the Department of Motor Vehicles (DMV) to conduct a pilot program to gather certain data on the annual vehicle miles traveled for certain motor vehicles registered in this State and to compile a report of that data and provide it every six months to the Legislature and the respective chairs of the Assembly and Senate Standing Committees on Growth and Infrastructure. The bill specifies how owners of motor vehicles in this State shall report the mileage and certain other required information. The measure also provides certain exemptions from the requirement to participate in the pilot program. Finally, Assembly Bill No. 483 appropriates $121,142 from the State Highway Fund to the DMV for the implementation of this pilot program.

SENATOR SETTELMEYER:

I brought several bills this Legislative Session to try and tax electric vehicles even though I own one. It is important they contribute to the maintenance and upkeep of the roads. I tend to have a bit of a Libertarian streak, and I do not like the idea of telling the government how many miles I drive. In that respect, I oppose Assembly Bill No. 483.

Roll call on Assembly Bill No. 483:

YEAS—17.

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

Assembly Bill No. 483 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 486.

Bill read third time.

Remarks by Senator Parks.

Assembly Bill No. 486 creates the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources. This bill also creates the position of the Administrator and Deputy Administrator and authorizes the Administrator to accept gifts, grants and contributions to carry out the provisions governing the Division or to defray certain expenses. The measure further creates the advisory board on outdoor recreation and requires the board to advise the Administrator on any matters concerning outdoor recreation in this State. Finally, Assembly Bill No. 486 appropriates $657,204 from the State General Fund to the Department during the 2019-2020 Biennium for the personnel and operating costs of the Division.

Roll call on Assembly Bill No. 486:

YEAS—20.

NAYS—Hansen.

Assembly Bill No. 486 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 487.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 487 makes a General Fund appropriation of $250,000 in each year of the 2019-2021 Biennium to the Department of Veterans Services to support the Adopt a Vet Dental Program.

Roll call on Assembly Bill No. 487:

YEAS—21.

NAYS—None.

Assembly Bill No. 487 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 495.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 495, makes a General Fund appropriation of $2 million to the Nevada Alliance of Boys and Girls Clubs, Inc. The bill stipulates that, upon acceptance of the appropriation, the Alliance agrees to submit to the Interim Finance Committee annual reports describing the expenditures made from the $2 million appropriation.

In addition, Assembly Bill No. 495, makes an additional General Fund appropriation of $1.8 million to Nevada Partners for the construction and operation of a community learning center to provide programs and services relating to education, workforce development, financial literacy, housing and parent engagement. The bill stipulates that upon acceptance of the appropriation, Nevada Partners agrees to submit to Interim Finance Committee annual reports describing the expenditures made from the $1.8 million appropriation.

Conflict of interest declared by Senator Brooks.

Roll call on Assembly Bill No. 495:

YEAS—20.

NAYS—None.

NOT VOTING—Brooks.

Assembly Bill No. 495 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. The Office, in consultation with the Department of Tourism and Cultural Affairs, shall prepare a report on the results of the Program 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.

Roll call on Assembly Bill No. 96:

YEAS—21.

NAYS—None.

Assembly Bill No. 96 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 4:24 p.m.

SENATE IN SESSION

At 7:03 p.m.

President Marshall presiding.

Quorum present.

Assembly Bill No. 236.

Bill read third time.

Senator Cannizzaro moved that the bill be taken from the General File and placed at the bottom of the General File on the second Agenda.

Motion carried.

Assembly Bill No. 309.

Bill read third time.

The following amendment was proposed by Senator Cancela:

Amendment No. 1123.

SUMMARY—Makes various changes relating to state financial administration. (BDR 34-886)

AN ACT relating to state financial administration; expressing the intent of the Legislature to account for all state financial aid to public schools in the State Distributive School Account; revising the formula for calculating the basic support guarantee; requiring each school district to reserve a certain amount of money necessary to carry out increases in the salaries of employees negotiated with an employee organization; authorizing the imposition and providing for the administration of a new sales and use tax for the benefit of counties and school districts; authorizing counties and school districts to use the proceeds of the tax for certain purposes; providing a temporary waiver from certain requirements governing expenditures for textbooks, instructional supplies, instructional software and instructional hardware by school districts; authorizing the Legislative Commission to request an allocation from the Contingency Account in the State General Fund for the costs of a special audit or investigation of the school districts of this State; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law declares that "the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity." (NRS 387.121) To accomplish this objective, the Legislature

establishes, during each legislative session and for each school year of the biennium, an estimated statewide average basic support guarantee per pupil. (NRS 387.122) This is the per pupil amount that is "guaranteed" on a statewide basis through a combination of state money and certain local revenues. The basic support guarantee for each school district is computed by multiplying the basic support guarantee per pupil that is established by law for the school district for each school year by pupil enrollment. (NRS 387.121-387.1223) In addition to the basic support guarantee per pupil, state financial aid to public education is provided through various programs, commonly known as "categorical funding," that target specific purposes or populations of pupils for additional support. Such programs include, without limitation, the Account for the New Nevada Education Funding Plan, Zoom schools and Victory schools. (NRS 387.129-387.139; section 1 of chapter 544, Statutes of Nevada 2017, p. 3768; section 2 of chapter 389, Statutes of Nevada 2015, p. 2199)

Section 1 of this bill declares the intent of the Legislature, commencing with Fiscal Year 2019-2020, to account for all state and local financial aid to public schools and express the total per pupil support for public schools.

Existing law requires the board of trustees of each school district to establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators. Existing law authorizes such a program to include professional development. (NRS 391A.450) Section 3 of this bill requires a school district that negotiates with an employee organization to increase the salaries of teachers and classified employees in a fiscal year to reserve for that fiscal year an amount of money sufficient to provide the agreed-upon increase in the salaries of licensed teachers and classified employees prescribed in such a program. Section 16 of this bill clarifies the manner in which the provisions of this bill apply to any existing contracts.

Existing law authorizes the board of county commissioners of certain counties to impose a sales and use tax for deposit in the county school district's fund for capital projects. (NRS 377C.100) Section 5 of this bill authorizes the board of county commissioners of each county to impose, by two-thirds vote of the board or by a majority vote of the people at a primary, general or special election, a new sales and use tax at the rate of one-quarter of 1 percent of the gross receipts of retailers. Section 6 of this bill requires the proceeds of the tax to be deposited with the county treasurer. Section 8 of this bill authorizes the proceeds of the tax to be used to pay the cost of: (1) one or more programs of early childhood education; (2) one or more programs of adult education; (3) one or more programs to reduce truancy; (4) one or more programs to reduce homelessness; (5) certain matters relating to affordable housing; ~~[and]~~ (6) incentives for the recruitment or retention of licensed teachers for high-vacancy schools~~.~~ ~~[.]~~ ; and (7) certain programs for workforce training. Sections 5-12 of this bill require the administration of any new sales and use tax in the same manner as the sales and use tax imposed by the Local School Support Tax Law, as set forth in chapter 374 of NRS.

Section 13 of this bill makes an appropriation for a block grant to each school district and charter school for certain purposes.

Existing law requires the Department of Education to determine the amount of money that each school district, charter school and university school for profoundly gifted pupils is required to expend during each fiscal year on textbooks, instructional supplies, instructional software and instructional hardware. (NRS 387.206) Existing law also authorizes the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils that is experiencing an economic hardship to submit a request to the Department for a waiver of all or a portion of the minimum expenditure requirements. (NRS 387.2065) Section 14 of this bill provides a temporary waiver for the 2019-2021 biennium from these requirements without requiring the school districts, charter schools or university schools for profoundly gifted pupils to submit a request for such a waiver.

Existing law authorizes the Legislative Commission to direct the Legislative Auditor to make any special audit or investigation that in its judgment is proper and necessary to assist the Legislature in the proper discharge of its duties. (NRS 218G.120) Section 15 of this bill authorizes the Legislative Commission to request an allocation from the Contingency Account in the State General Fund to pay the costs of the Legislative Auditor to conduct a special audit or investigation of the school districts of this State.

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

Section 1. NRS 387.121 is hereby amended to read as follows:

387.121 1. The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore, the quintessence of the State's financial obligation for such programs can be expressed in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils. This formula is designated the Nevada Plan.

2. It is the intent of the Legislature, commencing with Fiscal Year 2016-2017, to provide additional resources to the Nevada Plan expressed as a multiplier of the basic support guarantee to meet the unique needs of certain categories of pupils, including, without limitation, pupils with

disabilities, pupils who are English learners, pupils who are at risk and gifted and talented pupils. As used in this subsection, "pupils who are at risk" means pupils who are eligible for free or reduced-price lunch pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative measure prescribed by the State Board of Education.

*3. It is the intent of the Legislature, commencing with Fiscal Year 2019-2020, to promote transparency and accountability in state funding for public education by accounting for all state financial aid to public schools and projected local financial aid to public schools, both on a per pupil basis and on a per program basis, and expressing the total per pupil amount of all such support.*

Sec. 2. (Deleted by amendment.)

Sec. 3. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If a school district negotiates with an employee organization pursuant to NRS 288.150 to increase the salary of employees for a fiscal year, the board of trustees of the school district shall reserve for that fiscal year an amount of money sufficient, when combined with any appropriation for that purpose and any money remaining in the account established pursuant to subsection 2, to carry out each such increase in the salary of an employee.*

*2. Except as otherwise provided in subsection 3, the money reserved by a board of trustees pursuant to subsection 1 and any money provided by appropriation to increase the salary of an employee of the school district who is subject to a negotiated increase in salary described in subsection 1 must be:*

*(a) Accounted for separately by the school district.*

*(b) Used only to pay an increase in salaries in accordance with subsection 1.*

*3. Any money reserved pursuant to subsection 1 for a fiscal year that remains in the account established pursuant to subsection 2 at the end of that fiscal year does not revert to the general fund of the school district, but must be carried forward to the next fiscal year and used only for the purpose of paying an increase in salaries negotiated between a school district and an employee organization pursuant to NRS 288.150 in subsequent fiscal years.*

*4. Any money reserved pursuant to subsection 1 must not be subtracted from the operating expenses of the school district for purposes of determining the budget of the school district for any other fiscal year.*

Sec. 4. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 5 to 8, inclusive, of this act.

Sec. 5. *1. The board of county commissioners of each county may enact an ordinance imposing a tax at the rate of one-quarter of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county. An ordinance adopted pursuant to this section must be approved by:*

*(a) A two-thirds majority of the members of the board of county commissioners; or*

*(b) A majority of the registered voters of the county voting on the question at a primary, general or special election.*

*2. Any tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.*

*3. An ordinance enacted pursuant to this section must include provisions in substance as follows:*

*(a) Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.*

*(b) A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of the ordinance.*

*(c) A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county.*

*(d) A provision that a purchaser is entitled to a refund, in accordance with the provisions of NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in the county of, tangible personal property used for the performance of a written contract:*

*(1) Entered into on or before the effective date of the tax; or*

*(2) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax if the bid was afterward accepted,*

➥ *if, under the terms of the contract or bid, the contract price or bid amount cannot be adjusted to reflect the imposition of the tax.*

*(e) A provision that specifies the date on which the tax must first be imposed, which must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance.*

Sec. 6. *1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid pursuant to this chapter must be paid to the Department in the form of remittances payable to the Department.*

*2. The Department shall deposit the payments in the State Treasury to the credit of the Sales and Use Tax Account in the State General Fund.*

*3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:*

*(a) Transfer from the Sales and Use Tax Account 1.75 percent of all fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month to the appropriate account in the State General Fund as compensation to the State for the cost of collecting the tax.*

*(b) Determine for each county an amount of money equal to any fees, taxes, interest and penalties collected in or for that county pursuant to this chapter during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).*

*(c) Transfer the amount determined for each county to the Intergovernmental Fund and remit the money to the county treasurer to be held and expended for the purposes identified in section 8 of this act.*

Sec. 7. *The Department may redistribute any proceeds from any tax, interest or penalty collected pursuant to this chapter which is determined to be improperly distributed, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.*

Sec. 8. *1. The money received from any tax imposed pursuant to section 5 of this act and any applicable penalty or interest must be retained by the county, or remitted to a city or school district in the county, and must only be used to pay the cost of:*

*(a) One or more programs of early childhood education operated by the county school district or any public school in the county school district;*

*(b) One or more programs of adult education operated by the county school district or any public school in the county school district;*

*(c) One or more programs to reduce truancy;*

*(d) One or more programs to reduce homelessness;*

*(e) The development or redevelopment of affordable housing or ensuring the availability or affordability of housing, including, without limitation, any infrastructure or services to support the development or redevelopment of affordable housing; ~~[and]~~*

*(f) Incentives for the recruitment or retention of licensed teachers for high-vacancy schools in the county school district ~~[.]~~ ; and*

*(g) One or more joint labor-management programs of workforce training in the hospitality industry.*

*2. If a public school ceases to be a high-vacancy school, the county school district in which the public school is located:*

*(a) May continue to use the money received by the county school district from any tax imposed pursuant to section 5 of this act to pay incentives to licensed teachers at the public school pursuant to paragraph (f) of subsection 1 for the remainder of the school year in which the public school ceased to be a high-vacancy school; and*

*(b) Shall not use the money received by the county school district from any tax imposed pursuant to section 5 of this act to pay incentives to licensed teachers at the public school pursuant to paragraph (f) of subsection 1 for any subsequent school year unless the public school newly qualifies as a high-vacancy school.*

*3. A county that receives money from a tax imposed pursuant to section 5 of this act, and any city or school district to which the money is remitted, must account separately for all such money. On or before November 1 of each year, each such county, city or school district shall prepare a report detailing how all money received from a tax imposed pursuant to section 5 of this act was spent during the immediately preceding fiscal year and submit the report to the Director of the Legislative Counsel Bureau for transmission to the next*

*session of the Legislature, if the report is submitted in an even-numbered year, or to the Legislative Commission, if the report is submitted in an odd-numbered year.*

*4. As used in this section, "high-vacancy school" means a public school, other than a charter school, in which 10 percent or more of the classroom teacher positions at the public school are:*

*(a) Vacant for 20 consecutive days or more; or*

*(b) Filled by a substitute teacher for 20 consecutive days or more in the same classroom or assignment.*

Sec. 9. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A or 377C of NRS, *or sections 5 to 8, inclusive, of this act*, any of the taxes provided for in NRS 372A.290, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 10. NRS 360.300 is hereby amended to read as follows:

360.300 1. If a person fails to file a return or the Department is not satisfied with the return or returns of any tax, contribution or premium or amount of tax, contribution or premium required to be paid to the State by any person, in accordance with the applicable provisions of this chapter, chapter 360B, 362, 363A, 363B, 363C, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS, *or sections 5 to 8, inclusive, of this act*, as administered or audited by the Department, it may compute and determine the amount required to be paid upon the basis of:

(a) The facts contained in the return;

(b) Any information within its possession or that may come into its possession; or

(c) Reasonable estimates of the amount.

2. One or more deficiency determinations may be made with respect to the amount due for one or for more than one period.

3. In making its determination of the amount required to be paid, the Department shall impose interest on the amount of tax determined to be due, calculated at the rate and in the manner set forth in NRS 360.417, unless a different rate of interest is specifically provided by statute.

4. The Department shall impose a penalty of 10 percent in addition to the amount of a determination that is made in the case of the failure of a person to file a return with the Department.

5. When a business is discontinued, a determination may be made at any time thereafter within the time prescribed in NRS 360.355 as to liability arising out of that business, irrespective of whether the determination is issued before the due date of the liability.

Sec. 11. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 363C, 369, 370, 372, 372B, 374, 377, 377A, 377C, 444A or 585 of NRS, *or sections 5 to 8, inclusive, of this act,* any of the taxes provided for in NRS 372A.290, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 12. NRS 360.510 is hereby amended to read as follows:

360.510 1. If any person is delinquent in the payment of any tax or fee administered by the Department or if a determination has been made against the person which remains unpaid, the Department may:

(a) Not later than 3 years after the payment became delinquent or the determination became final; or

(b) Not later than 6 years after the last recording of an abstract of judgment or of a certificate constituting a lien for tax owed,

➥ give a notice of the delinquency and a demand to transmit personally or by registered or certified mail to any person, including, without limitation, any officer or department of this State or any political subdivision or agency of this State, who has in his or her possession or under his or her control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent or person against whom a determination has been made which remains unpaid, or owing any debts to the delinquent or that person. In the case

of any state officer, department or agency, the notice must be given to the officer, department or agency before the Department presents the claim of the delinquent taxpayer to the State Controller.

2. A state officer, department or agency which receives such a notice may satisfy any debt owed to it by that person before it honors the notice of the Department.

3. After receiving the demand to transmit, the person notified by the demand may not transfer or otherwise dispose of the credits, other personal property, or debts in his or her possession or under his or her control at the time the person received the notice until the Department consents to a transfer or other disposition.

4. Every person notified by a demand to transmit shall, within 10 days after receipt of the demand to transmit, inform the Department of and transmit to the Department all such credits, other personal property or debts in his or her possession, under his or her control or owing by that person within the time and in the manner requested by the Department. Except as otherwise provided in subsection 5, no further notice is required to be served to that person.

5. If the property of the delinquent taxpayer consists of a series of payments owed to him or her, the person who owes or controls the payments shall transmit the payments to the Department until otherwise notified by the Department. If the debt of the delinquent taxpayer is not paid within 1 year after the Department issued the original demand to transmit, the Department shall issue another demand to transmit to the person responsible for making the payments informing him or her to continue to transmit payments to the Department or that his or her duty to transmit the payments to the Department has ceased.

6. If the notice of the delinquency seeks to prevent the transfer or other disposition of a deposit in a bank or credit union or other credits or personal property in the possession or under the control of a bank, credit union or other depository institution, the notice must be delivered or mailed to any branch or office of the bank, credit union or other depository institution at which the deposit is carried or at which the credits or personal property is held.

7. If any person notified by the notice of the delinquency makes any transfer or other disposition of the property or debts required to be withheld or transmitted, to the extent of the value of the property or the amount of the debts thus transferred or paid, that person is liable to the State for any indebtedness due pursuant to this chapter, chapter 360B, 362, 363A, 363B, 363C, 369, 370, 372, 372A, 372B, 374, 377, 377A, 377C or 444A of NRS, NRS 482.313, or chapter 585 or 680B of NRS *or sections 5 to 8, inclusive, of this act,* from the person with respect to whose obligation the notice was given if solely by reason of the transfer or other disposition the State is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

Sec. 13. 1. The Department of Education shall transfer the sums of money identified in this subsection from the Account for Programs for

Innovation and the Prevention of Remediation created by NRS 387.1247 to school districts and the State Public Charter School Authority for block grants for the purposes described in subsection 2. The money must not be used for administrative expenditures of the Department of Education. The amount to be transferred for the fiscal year shown is:

| | 2019-2020 | 2020-2021 |
|---|---|---|
| Carson City School District | $321,107 | $321,107 |
| Churchill County School District | 129,882 | 129,882 |
| Clark County School District | 13,164,542 | 13,164,542 |
| Douglas County School District | 233,145 | 233,145 |
| Elko County School District | 393,004 | 393,004 |
| Esmeralda County School District | 2,822 | 2,822 |
| Eureka County School District | 10,870 | 10,870 |
| Humboldt County School District | 138,896 | 138,896 |
| Lander County School District | 40,094 | 40,094 |
| Lincoln County School District | 38,911 | 38,911 |
| Lyon County School District | 346,687 | 346,687 |
| Mineral County School District | 21,795 | 21,795 |
| Nye County School District | 208,922 | 208,922 |
| Pershing County School District | 27,070 | 27,070 |
| Storey County School District | 17,403 | 17,403 |
| Washoe County School District | 2,691,893 | 2,691,893 |
| White Pine County School District | 49,030 | 49,030 |
| State Public Charter School Authority | 1,471,904 | 1,471,904 |

2. The money received by each school district and the State Public Charter School Authority pursuant to subsection 1 may be used for any of the following purposes:

(a) Providing incentives for new teachers;

(b) Carrying out any of the purposes for which a school district or charter school may apply for a grant from the Nevada Ready 21 Technology Program created by NRS 388.810;

(c) Carrying out any of the purposes for which a school district or charter school may apply for a grant from the Great Teaching and Leading Fund created by NRS 391A.500;

(d) Carrying out any program to provide assistance to teachers in meeting the standards for effective teaching, including, without limitation, through peer assistance and review;

(e) Purchasing library books;

(f) Supporting pupil career and technical organizations; and

(g) If the school district or charter school determines that the money received pursuant to subsection 1 would best be put to use by doing so, supporting the operations of the school district or charter school.

3. The money received by each school district and the State Public Charter School Authority pursuant to subsection 1:

(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district and the school district, or to settle any negotiations.

(b) May not be used to adjust the district-wide schedule of salaries and benefits of the employees of a school district or the school-wide schedule of salaries and benefits of the employees of a charter school.

(c) Must not be budgeted by a school district or charter school in a manner that creates any obligation or deficit for funding in any fiscal year after the fiscal years for which the money was received.

4. The money transferred pursuant to subsection 1 must be accounted for separately by each school district and the State Public Charter School Authority. On or before November 1 of each year, each school district and the State Public Charter School Authority shall prepare a report detailing how all money received pursuant to subsection 1 was spent during the immediately preceding fiscal year and submit the report to the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, if the report is submitted in an even-numbered year, or to the Legislative Commission, if the report is submitted in an odd-numbered year.

5. The money transferred pursuant to subsection 1 must be expended in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

6. Any remaining balance of the transfer made by subsection 1 for Fiscal Year 2019-2020 must be added to the money transferred for Fiscal Year 2020-2021 and may be expended as that money is expended. Any remaining balance of the transfer made by subsection 1 for Fiscal Year 2020-2021, including any such money added from the previous fiscal year, must be used for the purposes identified in subsection 2 and does not revert to the State General Fund.

Sec. 14. 1. Notwithstanding the provisions of NRS 387.206 to 387.207, inclusive, to the contrary for the 2019-2021 biennium:

(a) The Department of Education is not required to comply with the provisions of NRS 387.206 to 387.2067, inclusive.

(b) Each school district, charter school and university school for profoundly gifted pupils is not required to comply with the provisions governing the minimum amount of money that must be expended for each fiscal year in that biennium for textbooks, instructional supplies, instructional software and instructional hardware as prescribed pursuant to NRS 387.206 and is not required to submit a request for a waiver pursuant to NRS 387.2065. The:

(1) Requirement to provide a written accounting of the use of the money as set forth in subsection 1 of NRS 387.2067; and

(2) Restrictions on the use of the money that would have otherwise been expended by the school district, charter school or university school for

profoundly gifted pupils to meet the requirements of NRS 387.206 as set forth in subsection 3 of NRS 387.2067,

➥ apply during this period.

(c) Each school district is not required to comply with the provisions governing the minimum amount of money that must be expended for each school year in that biennium for library books, software for computers, the purchase of equipment relating to instruction and the maintenance and repair of equipment, vehicles, and buildings and facilities as prescribed pursuant to NRS 387.207.

2. If, before July 1, 2019, the board of trustees of a school district, the governing body of a charter school or the governing body of a university school for profoundly gifted pupils submitted a request for a waiver pursuant to NRS 387.2065 for a fiscal year during the 2019-2021 biennium, the Department of Education shall return the request to the applicant.

Sec. 15. 1. Notwithstanding the provisions of NRS 353.266, 353.268 and 353.269, if the Legislative Commission directs the Legislative Auditor to make a special audit or investigation of the 17 school districts pursuant to NRS 218G.120, the Interim Finance Committee may make an allocation from the Contingency Account in the State General Fund to cover the costs of the special audit or investigation.

2. Such a special audit or investigation may include, without limitation, for each school district in this State, an examination and analysis of:

(a) The distribution of federal, state and local money to the school district and whether the methods of distribution ensure intradistrict equity.

(b) Internal controls and compliance with laws, contracts and grant agreements in the following areas:

(1) Human resources;

(2) Fiscal operations relating to expenditures and distributions;

(3) The salaries of teachers and other licensed educational personnel;

(4) Per pupil spending; and

(5) Fiscal monitoring.

3. The Superintendent of Public Instruction, the board of trustees of each school district and the superintendent of schools of each school district shall provide such information as is required by the Legislative Auditor to assist with the completion of such a special audit or investigation.

4. If such a special audit or investigation is directed by the Legislative Commission pursuant to NRS 218G.120, the Legislative Auditor shall, on or before January 31, 2021, prepare and present a final written report of the audit to the Audit Subcommittee of the Legislative Commission created by NRS 218E.240.

Sec. 16. The provisions of section 3 of this act apply to any contract existing on July 1, 2019, to the extent that the provisions of section 3 of this act do not conflict with the terms of such a contract and to the extent that a conflict exists, the provisions of the contract control.

Sec. 17. 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. 18. This act becomes effective on July 1, 2019.

Senator Cancela moved the adoption of the amendment.

Remarks by Senator Cancela.

Amendment No. 1123 to Assembly Bill No. 309 makes one change in section 8 of the bill. Section 8 outlines the list of things a municipality would be able to use the tax revenue on should a tax be approved by either the commission or a vote of the people. It adds to that a line indicating the funds raised could be used to go toward adult education in a hospitality, joint-management labor program, the intention being there are many people who would benefit from training to become part of our States biggest industry. I believe this would be a beneficial use of the revenue raised.

Amendment adopted.

Bill read third time.

Remarks by Senators Denis, Pickard, Hardy and Kieckhefer.

SENATOR DENIS:

Assembly Bill No. 309 would provide the total per pupil support provided by local and State sources; require each school district to reserve a certain amount of money necessary to carry out increases in the salaries of employees negotiated with an employee organization, and authorize the Board of County Commissioners of each county to impose, by two-thirds vote of the Board or by a majority vote of the people at a primary, general or special election, a new sales and use tax at the rate of one-quarter of one percent of the gross receipts of retailers. It would authorize the proceeds of the new sales and use tax to be used to pay the cost of one or more programs of early childhood education, one or more programs of adult education; one or more programs to reduce truancy, one or more programs to reduce homelessness, certain matters relating to affordable housing and incentives for the recruitment or retention of licensed teachers for high-vacancy schools. It provides funding for block grants to school districts and charter schools; provides a temporary waiver from the minimum textbook expenditure requirements for the 2019-2021 Biennium without requiring the school districts, charter schools or university schools for profoundly gifted pupils to submit a request for such a waiver. It authorizes the Legislative Commission to request an allocation from the Interim Finance Committee Contingency Account to pay the costs of the Legislative Auditor to conduct a special audit or investigation of school districts.

SENATOR PICKARD:

I am concerned about the insertion in section 8. There are many aspects of the bill I can support. The enabling language, and the idea of taking a tax increase to the vote of the people is the right way to consider a tax increase, but in the last minute, we have inserted a provision whereby this bill will promote a private labor union and management program of workforce training not available to anyone outside of that group. This is clearly special interest at work and is not something we should be tolerating in this Body, particularly since we do not have an opportunity to debate it and discuss where the money will go. I strenuously object to this last minute type of legislation and will be a "no" on this bill.

SENATOR HARDY:

Are the funds referenced on page 10 of the amendment on top of the funds allocated in Senate Bill No. 551, or does this bill replace page 42 in that bill?

SENATOR DENIS:

These are in addition to what is Senate Bill No. 551.

SENATOR HARDY:

That would make this additive, separate and distinct.

SENATOR KIECKHEFER:

My objections to Assembly Bill No. 309 remain the same as I expressed in the Senate Committee on Finance. I am opposed to taking 20 percent of the bill as it relates to the taking of categorical funding and putting those funds into a block grant mechanism for districts to use for whatever purpose they like. We have appropriated these funds for specific purposes. I point to the Nevada Ready 21 Funding, which is appropriated specifically for putting technology into classrooms. We have invested heavily into middle schools. Some of this money is supposed to help ensure this technology follows students as they matriculate into high school so they do not go from a one-on-one technology environment in middle school to a 30-year old text book situation in high school. Instead, we are stripping that money out and block-granting it to districts. We know how it will be used.

My other objection is the blanket waiver, for the next two years, of any minimum expenditure requirement for textbooks and supplies. It was a similar objection I had to the funding formula model presented to us earlier this Session. This significantly reduces accountability for our school districts. It eats away at expectations we have for the educational environment for our students.

Roll call on Assembly Bill No. 309:

YEAS—12.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Ratti, Seevers Gansert, Settelmeyer—9.

Assembly Bill No. 309 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 425.

Bill read third time.

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

Motion carried.

## REPORTS OF COMMITTEE

*Madam President:*

Your Committee on Finance, to which were re-referred Assembly Bills Nos. 71, 111, 219, 229, 235, 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 Senate Bill No. 495; Assembly Bill No. 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOYCE WOODHOUSE, *Chair*

*Madam President:*

Your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JAMES OHRENSCHALL, *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 Bills Nos. 90, 174, 483, 493; Assembly Bill No. 529.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 508, Amendment No. 1104, and respectfully requests your honorable body to concur in said amendment.

CAROL AIELLO-SALA
*Assistant Chief Clerk of the Assembly*

ASSEMBLY CHAMBER, Carson City, June 3, 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. 193, 289, 448, 500, 507, 535, 553.

Also, I have the honor to inform your honorable body that the Assembly on this day appointed Assemblymen Yeager, Cohen and Tolles as a Conference Committee concerning Assembly Bill No. 139.

CAROL AIELLO-SALA
*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4.

Resolution read.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 1106.

SUMMARY—Directs the Legislative Commission to conduct an interim study concerning wildfires. (BDR R-509)

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to appoint a committee to conduct an interim study concerning wildfires.

WHEREAS, There is a growing threat of wildfires throughout the Western United States; and

WHEREAS, The State of Nevada has recently experienced several large and devastating wildfires; and

WHEREAS, A thorough legislative study of issues relating to wildfires is in the interest of the people of this State; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to appoint as soon as practicable a committee to conduct an interim study concerning wildfires, as described herein, which is composed of:

1. Three members of the Senate, two of whom are appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; ~~[and]~~

2. Three members of the Assembly, two of whom are appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly; and

3. Two members approved by the Legislative Commission, consisting of:

(a) One member who is recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, to represent tribal governments in Nevada; and

(b) One member who is recommended by the senior United States Senator for Nevada; and be it further

RESOLVED, That the Legislative Commission shall designate one of the members appointed to the committee who is a Legislator to serve as the Chair of the committee; and be it further

RESOLVED, That in performing the study, the committee shall consider, without limitation:

1. Methods of reducing wildfire fuels;
2. Issues related to early responses to wildfires; and
3. The economic impact of wildfires on the State and local communities; and be it further

RESOLVED, That the committee should consult with and solicit input and recommendations from persons, entities and organizations with expertise in matters relevant to wildfires; and be it further

RESOLVED, That any recommended legislation proposed by the committee must be ~~[approved]~~ :

1. Voted upon only by the members appointed to the committee who are Legislators; and
2. Approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee; and be it further

RESOLVED, That the Legislative Commission submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Nevada Legislature; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 1106 to Assembly Concurrent Resolution No. 4 adds to the interim study membership, a representative of a tribal government in Nevada and a person designated by the senior United States Senator from Nevada, and clarifies their voting privileges.

Amendment adopted.

Resolution read.

Senator Ohrenschall moved to adopt the resolution.

Remarks by Senator Ohrenschall.

Assembly Concurrent Resolution No. 4 directs the Legislative Commission to appoint an interim committee to conduct a study concerning wildfires. The committee must consider methods of reducing wildfire fuels, issues relating to early responses to wildfires and the economic impact of wildfires on Nevada and local communities. The committee should consult with and seek recommendations from experts in matters relevant to wildfires. The committee shall consist of three members of the Senate, three members of the Assembly, one member representing tribal governments in Nevada and one member who is recommended by the senior United States Senator for Nevada. The committee's report must be submitted to the 2021 Session of the Legislature.

Resolution adopted.

Senator Ohrenschall moved to immediately transmit the resolution to the Assembly.

Motion carried.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 529.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 440.

Bill read third time.

The following amendment was proposed by Senator Ratti:

Amendment No. 1128.

SUMMARY—Makes ~~[an appropriation]~~ appropriations to pay certain costs relating to smoke alarms and home fire safety. (BDR S-1134)

AN ACT making ~~[an appropriation]~~ appropriations to the American Red Cross of Southern Nevada and the American Red Cross of Northern Nevada to pay certain costs relating to smoke alarms and home fire safety; 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 American Red Cross of Southern Nevada the sum of ~~[$300,000]~~ $180,000 to pay for the costs of providing the following services to residents of Nevada:

(a) Installation of smoke alarms;

(b) Replacement of smoke alarm batteries;

(c) Provision of preparedness education relating to home fire safety; and

(d) Preparation of customized evacuation plans for home fires and related materials.

2. There is hereby appropriated from the State General Fund to the American Red Cross of Northern Nevada the sum of $120,000 to pay for the costs of providing the following services to residents of Nevada:

(a) Installation of smoke alarms;

(b) Replacement of smoke alarm batteries;

(c) Provision of preparedness education relating to home fire safety; and

(d) Preparation of customized evacuation plans for home fires and related materials.

3. Upon acceptance of the money appropriated by subsection 1 ~~[,]~~ or 2, as applicable, the American Red Cross of Southern Nevada or the American Red Cross of Northern Nevada , as applicable, agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2020, that describes each expenditure made from the money appropriated by subsection 1 or 2, as applicable, from the date on which the money was received by the American Red Cross of Southern Nevada or the American Red Cross of Northern Nevada , as applicable, through December 1, 2020;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2021, that describes each expenditure made from the money appropriated by subsection 1 or 2 , as applicable, from the date on which the money was received by the American Red Cross of Southern Nevada or the American Red Cross of Northern Nevada through June 30, 2021; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the American Red Cross of Southern Nevada or the American Red Cross of Northern Nevada, as applicable, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1 ~~[.]~~ or 2, as applicable.

~~[3.]~~ 4. Any remaining balance of the appropriation made by subsection 1 or 2 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. 2. This act becomes effective on July 1, 2019.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 1128 to Senate Bill No. 440 clarifies which organizations would receive the appropriation for fire safety.

Amendment adopted.

Bill read third time.

Remarks by Senators Ratti and Settelmeyer.

SENATOR RATTI:

Senate Bill No. 440 makes a General Fund appropriation of $300,000 to the American Red Cross of Nevada to pay for the cost of providing smoke alarms, smoke alarm batteries and other related fire safety services to the American Red Cross.

SENATOR SETTELMEYER:

During testimony on this bill, there was discussion that in 1993, all homes were legally required to have smoke alarms installed. Most counties also have programs through their fire departments where they work with individuals to provide fire alarms free or install them if needed. For that reason, I do not feel it is appropriate to give the additional $300,000 at this time.

Roll call on Senate Bill No. 440:

YEAS—13.

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

Senate Bill No. 440 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 495.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1108.

SUMMARY—Creates the Office of the Small Business Advocate. (BDR 18-136)

AN ACT relating to small businesses; creating the Office of the Small Business Advocate within the Office of the Lieutenant Governor; authorizing the Lieutenant Governor to employ and appoint personnel to the Office of the Small Business Advocate; requiring the Office of the Small Business Advocate to coordinate with state agencies and local governments under certain circumstances; authorizing the Office of the Small Business Advocate to review certain requests for assistance related to small businesses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 8 of this bill creates the Office of the Small Business Advocate within the Office of the Lieutenant Governor. Section 9 of this bill requires the Office to provide certain information to small businesses and to coordinate with certain state agencies and local governments to facilitate interactions between such entities and small businesses. Section 11 of this bill prescribes a protocol for the Office to follow when it receives a request for assistance from a small business. Section 10 of this bill authorizes the Office to review a request for assistance made by a small business regarding an interaction with a state agency. Section 12 of this bill provides that the records, files and communications of the Office are confidential and are not public records.

WHEREAS, Small businesses are an important new job generator in Nevada; and

WHEREAS, New small businesses can be disadvantaged relative to large businesses when it comes to regulatory compliance and navigating various state and local government agencies; and

WHEREAS, Such disadvantages are an obstacle to the creation of higher paying jobs; and

WHEREAS, A small business advocate can assist and support small business entrepreneurs with regulatory compliance and support their ability to thrive in the State; now, therefore,

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

Section 1. Chapter 224 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive,*

*of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Business" means any corporation, partnership, company, cooperative, sole proprietorship or other legal entity organized or operating for pecuniary or nonpecuniary gain.*

Sec. 4. *"Local government" means a political subdivision of the State, including, without limitation, a county, city, irrigation district, water district or water conservancy district.*

Sec. 5. *"Office" means the Office of the Small Business Advocate created by section 8 of this act within the Office of the Lieutenant Governor.*

Sec. 6. *"Small business" means a prospective, new or established business with not more than 100 employees that is or will be located in this State.*

Sec. 7. *"State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.*

Sec. 8. *1. The Office of the Small Business Advocate is hereby created within the Office of the Lieutenant Governor.*

*2. The Lieutenant Governor may, within the limits of money appropriated or authorized to be expended for such purpose, employ or appoint such personnel necessary to perform the functions and duties of the Office.* ~~*[Employees of the Office are not in the classified or unclassified service of the State and serve at the pleasure of the Lieutenant Governor.*~~

~~*3. Each state agency shall cooperate with and assist the Office in the performance of its duties and functions.]*~~

Sec. 9. *The Office shall:*

*1. Refer a small business with an inquiry relating to any aspect of starting, operating or winding up a small business to an appropriate resource to assist the small business;*

*2. Work with small businesses and local governments to:*

*(a) Facilitate interactions between a small business and a local government, including, without limitation, resolving issues that arise in the administrative, regulatory and enforcement functions of the local government with respect to small businesses; and*

*(b) Identify and recommend any improvement to the processes and functions of local governments with respect to interactions between small businesses and local governments, including, without limitation, conducting general studies, conferences, inquiries and meetings.*

*3. Assist state agencies with regulatory authority over small businesses to ensure a small business is able to provide comment or feedback on any interaction the small business has with a state agency;*

*4. Coordinate with state agencies to:*

*(a) Facilitate interactions between small businesses and state agencies;* *and*

*(b)* ~~*[Develop processes that ensure a small business receives a timely response to any inquiry or request made to a state agency;*~~

~~*(c) Resolve issues that arise in the administrative, regulatory or enforcement functions of a state agency with respect to small businesses; and*~~

~~*(d) Identify and recommend efficient, responsive and nonretaliatory procedures for:*~~

~~*(1) Receiving comments or feedback from a small business regarding an interaction with a state agency;*~~

~~*(2) The participation of a small business in general studies, conferences, inquiries and meetings that would improve the function of a state agency with regulatory authority over small businesses;*~~

~~*(3) Identifying causes of unnecessary delays, inconsistencies and inefficient uses of state resources in the administrative, regulatory and enforcement functions of a state agency related to small businesses; and*~~

~~*(4) Making]*~~ *Make recommendations for resolving an issue or dispute that arises from an interaction between a state agency and a small business.*

Sec. 10. *1. Except as otherwise provided in subsection 2, the Office may review any request for assistance filed by a small business relating to an interaction with a state agency relating to the small business.*

*2. The Office shall not take action on a request for assistance if the Office determines that:*

*(a) The person who filed the request for assistance could reasonably be expected to pursue, or is pursuing, an alternative remedy or recourse;*

*(b) The request for assistance relates to a matter outside the jurisdiction of the Office;*

*(c) The request for assistance was not filed in a timely manner, as determined by the Lieutenant Governor;*

*(d) The person who filed the request for assistance does not have a sufficient personal interest or is not personally aggrieved or affected by the subject matter of the request;*

*(e) The request for assistance is trivial, frivolous, vexatious or not made in good faith;*

*(f) The resources of the Office are insufficient for adequate review of the request for assistance;*

*(g) The request for assistance is the subject of pending litigation, a pending contested case, as defined in NRS 233B.032, a proceeding pursuant to chapter 233B of NRS or an agency action that could result in a contested case proceeding pursuant to chapter 233B of NRS.*

*3. The Office shall notify the person who filed the request for assistance not later than 30 days after receipt of the request whether the Office will provide assistance to the person.*

*4. If the Office undertakes the review of a request for assistance pursuant to this section, the Office* ~~*[:*~~

~~*(a) May make recommendations to a state agency for the resolution of the issues set forth in the request for assistance;*~~

~~*(b) May contact and discuss the issues with the administrative head of a state agency, the Governor or a member of the public for the purposes of*~~

~~*obtaining the cooperation and assistance of a state agency with the review of the request for assistance;*~~

~~*(c)*~~ *:*

*(a) Shall inform the complainant of the status of the review upon request; and*

~~*[(d)]*~~ *(b) Shall, upon the conclusion of the review:*

*(1) Prepare a preliminary report regarding the review, including, without limitation, the conclusion reached by the Office regarding the review and recommendations for the resolution of the issues, if any;*

*(2) Provide any state agency named in the request for assistance with a copy of the preliminary report pursuant to subparagraph (1) indicating the state agency may, within 15 days, submit to the Office a comment regarding the report;*

*(3) Prepare a final report that includes, without limitation, any comment submitted by an agency pursuant to subparagraph (2);*

*(4) Inform the person who filed the request for assistance of the conclusion and recommendations of the Office pursuant to subparagraph (1), if any; and*

*(5) Provide a copy of the final report to the Lieutenant Governor and the person who submitted the request for assistance.*

*5. A person who files a request for assistance or who participates in a review and investigation is not subject to a penalty, sanction or restriction in connection with the employment of that person, and may not be denied any right, privilege or benefit because of the request for assistance or because of any review and investigation of such request.*

Sec. 11. *1. When the Office receives a request for assistance from a small business the Office shall:*

*(a) Notify the small business whether the Office will open a file regarding the issue not later than 30 days after receipt of the request;*

*(b) Inform the requester of the status of the file upon request; and*

*(c) Notify the requester when the file is closed.*

*2. The Office may compile statistical data regarding requests for assistance and other communications received by the Office from small businesses.*

Sec. 12. *All records, files and communications of the Office made or received pursuant to sections 2 to 13, inclusive, of this act are confidential and not a public record.*

Sec. 13. *The Lieutenant Governor may adopt any regulations necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.*

Sec. 14. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067,

88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,

638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 12 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

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

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1108 to Senate Bill No. 495 removes the provision that employees of the Office of the Small Business Advocate are not in the classified or unclassified service of the State and serve at the pleasure of the Lieutenant Governor. Additionally, the amendment removes certain responsibilities of the Office regarding coordination with State agencies. Finally, the amendment revises provisions regarding the review of a request for assistance by a small business relating to an interaction with a State agency.

Amendment adopted.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 495, creates the Office of the Small Business Advocate within the Office of the Lieutenant Governor and requires the Office to provide certain information to small businesses and to coordinate with certain State agencies and local governments to facilitate interactions between such entities and small businesses. The bill provides that the records, files and communications of the Office are confidential and are not public records.

Roll call on Senate Bill No. 495:

YEAS—21.

NAYS—None.

Senate Bill No. 495 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 71.

Bill read third time.

Remarks by Senator Denis.

Assembly Bill No. 71, authorizes the Attorney General to enter into an agreement with a tribal government for the provision of grants and loans to the tribal government from the Disaster Relief Account because of a disaster. Additionally, the bill creates a revolving account within the State General Fund for the provision of grants relating to owner-occupied homes damaged by disasters, funded by transfer from the Disaster Relief Account to the revolving account. Finally, Assembly Bill No. 71 authorizes a temporary advance to the Emergency Assistance Account from the State General Fund for the payment of expenses incurred during a State emergency or declaration of a disaster under certain circumstances.

Roll call on Assembly Bill No. 71:

YEAS—21.

NAYS—None.

Assembly Bill No. 71 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 111.

Bill read third time.

Remarks by Senator Ohrenschall.

Assembly Bill No. 111 requires the Legislative Committee on Child Welfare and Juvenile justice to conduct a study during the 2019-2020 Interim concerning the funding of the child-welfare system in Nevada in order to identify opportunities to maximize federal funding for

the system. The study must analyze current federal funding sources, identify potential sources of funding to support child-welfare agencies and analyze other jurisdictions that maximize federal resources for child-welfare and related services. The measure appropriates, from the State General Fund to the Legislative Fund, $200,000 to employ a consultant to assist the Committee in conducting this study. The Committee's report and recommendations must be submitted to the 81st Session of the Nevada Legislature.

Roll call on Assembly Bill No. 111:
YEAS—21.
NAYS—None.

Assembly Bill No. 111 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 219.

Bill read third time.

Remarks by Senators Denis and Kieckhefer.

SENATOR DENIS:

Assembly Bill No. 219 revises various provisions related to English learners. It requires school districts to adopt a plan to eliminate gaps in achievement between English learners and students proficient in English and requires the plan be monitored by Nevada's Department of Education. The bill further directs schools that demonstrate a lack of proficiency to adopt a corrective action plan and requires reporting on those plans to the Department and the Legislature. Additionally, Assembly Bill No. 219 requires disclosure by high schools subject to a corrective action plan, and authorizes certain pupils to obtain a zone variance to another school that does not have a corrective action plan. To measure progress, the bill mandates that the collection of data concerning the achievement and proficiency of students who are limited English proficient in comparison with those who are English proficient, be disaggregated by trend and subgroup down to the school level.

The bill also requires certain examinations and assessments be made available in other languages and instructs the Department to ensure language supports are provided for those examinations and assessments. The bill further authorizes school districts to use certain assessments to measure the literacy of English learners. Finally, Assembly Bill No. 219 requires a student seeking a grant from the Teach Nevada Scholarship Program to agree to receive an endorsement to teach English as a second language or an endorsement to teach special education, in addition to current requirements.

SENATOR KIECKHEFER:

There are several things in this bill about which I have concerns. I discussed several of these earlier when the bill was on Second Reading before it went to the Committee on Finance. I am concerned about the requirements we are putting on teachers in the Teach Nevada Scholarship Program to get an additional endorsement. This could add an additional semester to their educational experience, and we know the costs associated with that. I have met with the primary sponsor of the bill and discussed this with her. I am going to support the bill, primarily because it gives a statutory right of school choice to an entire group of students, and I have a hard time voting against that.

Roll call on Assembly Bill No. 219:
YEAS—21.
NAYS—None.

Assembly Bill No. 219 having received a constitutional majority, Madam President declared it passed as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 229.

Bill read third time.

Remarks by Senators Scheible and Settelmeyer.

SENATOR SCHEIBLE:

Assembly Bill No. 229, requires the Administrator of the Office of State Historic Preservation of the State Department of Conservation and Natural Resources to establish and administer a technical advisory program to assist in grants for the protection of buildings that are at least 50 years old. The bill appropriates $10,000 for Fiscal Year 2020 and $20,000 for Fiscal Year 2021 from the State General Fund.

SENATOR SETTELMEYER:

In discussing Assembly Bill No. 229 in the Committee on Finance, there was a question about the $30,000 appropriation potentially going to a better source. These requirements could be put online. A licensed contractor is going to have to help preserve the building rather than just someone from the Office of State Historic Preservation. There have been numerous times when I have contacted this office, and they are extremely busy. Since they cannot seem to maintain rivers and things of this nature within a two to three week period, I do not see how they will take on these duties as well. This seems problematic, and I oppose Assembly Bill No. 229.

Roll call on Assembly Bill No. 229:

YEAS—15.

NAYS—Goicoechea, Hammond, Hansen, Hardy, Pickard, Settelmeyer—6.

Assembly Bill No. 229 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 235.

Bill read third time.

Remarks by Senator Woodhouse.

Assembly Bill No. 235, makes various changes to the membership and terms of office of the Nevada Advisory Commission on Mentoring. The bill, also eliminates the requirement that the Commission appoint a Mentorship Advisory Council consisting of members who represent organizations, which provide mentorship programs in our State, and requires the Commission to work in consultation with the Department of Education to provide direction and guidance for the coordinator for mentorship programs. Finally, this bill, provides total General Fund appropriations of $106,000 for initiating an affiliate process to support the work of the Commission and expenses related to planning and hosting a Statewide conference on mentoring as well as $25,000 in each year of the biennium for awarding grants of money to mentorship programs. This is one of the projects the late Assemblyman Tyrone Thompson worked so long on, and I urge your support in his memory.

Roll call on Assembly Bill No. 235:

YEAS—21.

NAYS—None.

Assembly Bill No. 235 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 348.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1109.

SUMMARY—Makes various changes ~~[to prevent and track workplace violence]~~ related to working conditions at certain medical facilities. (BDR 53-843)

AN ACT relating to occupational safety and health; requiring certain medical facilities to develop and carry out a plan for the prevention of workplace violence and report incidents of workplace violence to the Division of Industrial Relations of the Department of Business and Industry; prohibiting such a medical facility from taking certain actions against an employee or other provider of care who seeks the assistance of a public safety agency in response to workplace violence or who reports workplace violence; requiring such a medical facility to maintain certain records ; ~~[and provide copies of those records to certain persons upon request;]~~ requiring the Division to publish an annual report concerning workplace violence at such medical facilities; revising provisions relating to staffing at certain health care facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an employer from maintaining unsafe or unhealthy places of employment. (NRS 618.385) Existing law imposes certain requirements concerning specific issues related to workplace safety, including the control of asbestos, the operation of cranes and the manufacture and use of explosives and photovoltaic system projects. (NRS 618.750-618.936) ~~[Section]~~ Sections 14 and 17 of this bill ~~[requires]~~ require a hospital or psychiatric hospital to develop and ~~[carry out]~~ maintain a plan for the prevention of and response to workplace violence. Section 14 requires certain medical facilities to establish a committee on workplace safety to assist in the development of the plan. Section 14 requires such a plan to require training for employees and other providers of care concerning the prevention of workplace violence at certain times during employment. Section 15 of this bill requires a hospital or psychiatric hospital to collaborate with ~~[employees, other providers of care, employee organizations representing employees and any employee organization representing other providers of care]~~ the committee on workplace safety in developing, reviewing and revising the training.

Section 14 additionally requires the plan to include procedures for responding to workplace violence and situations that create the potential for workplace violence. Section 16 of this bill prescribes the required contents of those procedures. Section 14 further requires the plan to include procedures for: (1) correcting hazards that increase the risk of workplace violence; (2) obtaining assistance from security guards and public safety agencies when appropriate; (3) responding to incidents that create the possibility of mass casualties; and (4) annually assessing ~~[and improving on the capability of a hospital or psychiatric hospital to prevent or respond to workplace violence.]~~ the effectiveness of the plan.

Section 17 of this bill requires a hospital or psychiatric hospital to take certain actions relating to the development and implementation of the plan .

~~[and provide orientation concerning the plan to temporary employees and other providers of care.]~~ Section 17 also requires a hospital or psychiatric hospital to carry out certain controls to prevent and mitigate the risk of workplace violence. Section 17 additionally requires a hospital or psychiatric hospital to document and report to the Division of Industrial Relations of the Department of Business and Industry certain incidents of workplace violence. Section 17 bans a hospital or psychiatric hospital from prohibiting an employee or other provider of care from reporting an incident of workplace violence or seeking the assistance of a public safety agency in response to an incident of workplace violence . ~~[or punishing or retaliating against an employee or other provider of care who reports an incident or seeks such assistance.]~~ Section 19.3 of this bill authorizes an employee who is aggrieved by such prohibited actions to file a complaint with the Division for reinstatement and reimbursement for lost wages and work benefits. Section 19.35 additionally authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to take disciplinary action against a medical facility that retaliates against an employee for reporting workplace violence or seeking the assistance of a public safety agency in response to an incident of workplace violence.

Section 18 of this bill requires a hospital or psychiatric hospital to maintain and make available to the Division of Industrial Relations upon request certain documentation, including: (1) records relating to the identification of hazards and training sessions; and (2) a ~~[log of each incident]~~ record of workplace violence . ~~[against an employee or other provider of care. Section 18 requires a medical facility to provide copies of such records to employees and other providers of care and representatives of such persons upon request.]~~ Section 18.5 of this bill requires the Division to adopt regulations to carry out certain provisions of this bill. Section 19 of this bill requires the Division to annually ~~[publish a report]~~ make available copies of certain reports concerning workplace violence at hospitals and psychiatric hospitals. On July 1, 2021, section 19.6 of this bill makes the provisions of this bill applicable to various other medical facilities to the same extent as they apply to hospitals and psychiatric hospitals. Such medical facilities include certain large agencies to provide nursing in the home, independent centers for emergency medical care, facilities for intermediate care, facilities for skilled nursing, ~~[rural clinics,]~~ facilities for modified medical detoxification and community triage centers.

Existing law requires certain health care facilities, including certain large hospitals and psychiatric hospitals, located in certain highly populated counties to establish a staffing committee to: (1) develop a written policy concerning the refusal of or objection to a work assignment by a nurse or certified nursing assistant; and (2) a documented staffing plan. (NRS 449.242) Section 19.4 of this bill provides that, if a staffing committee is established for a health care facility through collective bargaining, the health care facility is not required to appoint another staffing committee. Section 14 requires a medical facility for which a staffing committee has been established to include the members of the staffing committee on the committee on workplace safety.

Existing law requires: (1) a staffing committee to include representation from each unit of the facility; and (2) a documented staffing plan to include information specific to each such unit. (NRS 449.242, 449.2421) Section 18.5 requires the Division of Industrial Relations of the Department of Business and Industry to define the term "unit" in consultation with the Division of Public and Behavioral Health of the Department of Health and Human Services and section 19.37 of this bill uses that definition for that purpose.

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. *As used in sections 2 to 19, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 13, inclusive, of this act have the meaning ascribed to them in those sections.*

Sec. 3. *"Alarm" means a mechanical or electronic communication system that does not rely on the vocalization of a person to alert others to an incident of workplace violence.*

Sec. 4. *"Dangerous weapon" means an item capable of inflicting death or serious bodily injury, regardless of whether the item was designed for that purpose.*

Sec. 5. *"Engineering control" means an aspect of a building, other designed space or device that removes a hazard from the workplace or creates a barrier between an employee or other provider of care and the hazard. The term includes ~~[, without limitation:]~~ one or more of the following:*

*1. Electronic access controls to areas occupied by employees or other providers of care;*

*2. Detectors for weapons, whether installed or handheld;*

*3. Workstations enclosed with glass that is resistant to shattering;*

*4. Deep service counters;*

*5. Separate rooms or areas for patients that pose a high risk of workplace violence;*

*6. Locks on doors;*

*7. Furniture affixed to the floor;*

*8. Opaque glass in rooms for patients that allows an employee or other provider of care to see the location of the patient before entering the room;*

*9. Closed-circuit television monitoring and video recording;*

*10. Devices designed to aid the sight of an employee or other provider of care; ~~[and]~~*

*11. Personal alarm devices ~~[.]~~ ; or*

*12. Any other measure or device that removes a hazard from the workplace or creates a barrier between an employee or other provider of care and a hazard.*

Sec. 6. *"Medical facility" means:*

*1. A hospital, as defined in NRS 449.012; or*

*2. A psychiatric hospital, as defined in NRS 449.0165.*

Sec. 7. *"Patient-specific risk factor" means a factor specific to a patient that may increase the likelihood or severity of an incident of workplace violence . ~~[, including, without limitation:]~~ The term includes one or more of the following:*

*1. The mental health of a patient;*

*2. The status of a patient's treatment and medication;*

*3. A history of violent acts by the patient;*

*4. The use of drugs or alcohol by the patient; ~~[and]~~ or*

*5. Any other condition that may cause a patient to experience confusion or disorientation, fail to respond to instruction or behave unpredictably.*

Sec. 8. *"Public safety agency" means:*

*1. A public fire department, fire protection district or other agency of this State or a political subdivision of this State, the primary functions of which are to control, extinguish and suppress fires;*

*2. A law enforcement agency as defined in NRS 277.035; or*

*3. An emergency medical service.*

Sec. 9. *"Security guard" has the meaning ascribed to it in NRS 648.016.*

Sec. 10. *"Threat of violence" means a statement or conduct that:*

*1. ~~[Causes]~~ Results in a reasonable person ~~[to fear]~~ fearing for his or her safety because of the ~~[possibility]~~ likelihood of physical injury; and*

*2. Has no legitimate purpose.*

Sec. 11. ~~*["Unit" means a component of a medical facility for providing patient care that is defined by the scope of service provided, the competencies required of its staff, the orientation process and methods for assessing the ability of the members of staff to fulfill their responsibilities.]*~~ (Deleted by amendment.)

Sec. 12. *"Work practice control" means a procedure or rule that is used to reduce the risk of workplace violence, including, without limitation:*

*1. Assigning and placing staff in a manner that reduces patient-specific risk factors;*

*2. Employing or contracting with security guards ~~[;]~~ when applicable; and*

*3. Providing training on methods to prevent workplace violence and respond to incidents of workplace violence.*

Sec. 13. *"Workplace violence" means any act of violence or threat of violence that occurs at a medical facility, except for a lawful act of self-defense or defense of another person. The term includes, without limitation:*

*1. The use or threatened use of physical force against an employee or other provider of care, regardless of whether the employee or other provider of care is physically or psychologically injured; and*

*2. An incident involving the use or threatened use of a firearm or other dangerous weapon, regardless of whether an employee or other provider of care is physically or psychologically injured.*

Sec. 14. *1. A medical facility shall ~~[develop and carry out]~~ :*

*(a) Establish a committee on workplace safety, which must consist of:*

*(1) If a staffing committee has been established for the medical facility pursuant to NRS 449.242 or an applicable collective bargaining agreement:*

*(I) The members of the staffing committee; and*

*(II) Employees of the medical facility who work in areas of the medical facility other than those represented on the staffing committee, appointed by the operator of the medical facility.*

*(2) If a staffing committee has not been established for the medical facility pursuant to NRS 449.242 or an applicable collective bargaining agreement, employees of the medical facility appointed by the operator of the medical facility. Such employees must include, without limitation, employees who work in all major areas of the medical facility.*

*(b) Develop and maintain a plan for the prevention of and response to workplace violence. The plan must:*

~~[(a)]~~ *(1) Be in writing;*

~~[(b)]~~ *(2) Be in effect at all times;*

~~[(c)]~~ *(3) Be available to be viewed by each employee of the medical facility or other provider of care at the medical facility at all times;*

~~[(d)]~~ *(4) Be specific for each unit, area and location maintained by the medical facility; and*

~~[(e)]~~ *(5) Be developed in collaboration with ~~[employees of the medical facility, other providers of care at the medical facility, any employee organization representing employees of the medical facility and any employee organization representing other providers of care at the medical facility.]~~ the committee on workplace safety established pursuant to paragraph (a).*

*2. The plan developed pursuant to paragraph (b) of subsection 1 must include, without limitation:*

*(a) A requirement that all employees of the medical facility and other providers of care at the medical facility receive the training described in section 15 of this act concerning the prevention of workplace violence:*

*(1) Upon the adoption of a new plan for the prevention of workplace violence;*

*(2) Upon commencing employment and annually thereafter;*

*(3) Upon commencing new job duties in a new location of the medical facility or a new assignment ~~[;]~~ in a new location of the medical facility; and*

*(4) When ~~[conditions change, new equipment or work practices are introduced or]~~ a ~~[new or]~~ previously unrecognized hazard is identified ~~[.]~~ or there is a material change in the facility requiring a change to the plan.*

*(b) Procedures that meet the requirements of section 16 of this act for responding to and investigating incidents of workplace violence.*

*(c) Procedures that meet the requirements of the regulations adopted pursuant to section ~~[16]~~ 18.5 of this act for assessing and responding to situations that create the potential for workplace violence.*

*(d) ~~[Applicable procedures]~~ Procedures for correcting hazards that increase the risk of workplace violence, including, without limitation , ~~[and to the extent applicable,]~~ using engineering controls that are feasible and*

*applicable to the medical facility and work practice controls to eliminate or minimize exposure of employees and other providers of care to such hazards . ~~[and carrying out corrective actions pursuant to subsection 2 of section 16 of this act.]~~*

*(e) Procedures for obtaining assistance from security guards or public safety agencies when appropriate.*

*(f) Procedures for responding to incidents ~~[that create the possibility of mass casualties, including, without limitation, incidents]~~ involving an active shooter ~~[,]~~ and other threats of mass casualties through the use of plans for evacuation and sheltering that are feasible and appropriate for the medical facility.*

*(g) Procedures for annually assessing ~~[and improving on the capability of the medical facility to prevent or respond to workplace violence in collaboration with employees, other providers of care, employee organizations representing employees of medical facilities and employee organizations representing other providers of care at medical facilities, including, without limitation, reviewing logs of workplace violence maintained pursuant to section 18 of this act, staffing, security systems, job design, equipment, facilities and security risks associated with specific areas, units, locations and times.]~~ , in collaboration with the committee on workplace safety established pursuant to paragraph (a) of subsection 1, the effectiveness of the plan.*

Sec. 15. *1. The training provided under the plan developed pursuant to paragraph (b) of subsection 1 of section 14 of this act must address the risks of workplace violence that an employee or other provider of care may be reasonably anticipated to encounter on his or her job and must include, without limitation, instruction concerning:*

*(a) An explanation of the plan , the manner in which the medical facility plans to address incidents of workplace violence, the manner in which an employee may participate in reviewing and revising the plan and any information necessary for employees and other providers of care to ~~[:~~*

*~~(1) Understand how the plan improves the safety of each unit, area or location in the medical facility; and~~*

*~~(2) Perform]~~ perform the duties that may be required of each employee or other provider of care under the plan;*

*(b) Recognizing situations that may result in workplace violence;*

*(c) When and how to respond to and seek assistance in preventing or responding to workplace violence;*

*(d) Reporting incidents of workplace violence to the medical facility and public safety agencies when appropriate;*

*(e) Resources available to employees and other providers of care in coping with incidents of workplace violence, including, without limitation, debriefing processes established by the medical facility for use after an incident of workplace violence and available programs to assist employees and other providers of care in recovering from incidents of workplace violence; and*

*(f) For each employee or other provider of care who has contact with patients, training concerning verbal intervention and de-escalation techniques that:*

*(1) Allows the employee or other provider of care to practice those techniques with other employees and other providers of care with whom he or she works; and*

*(2) Includes a meeting to debrief each practice session conducted pursuant to subparagraph (1).*

*2. A medical facility shall collaborate with ~~[employees of the medical facility, other providers of care at the medical facility, any employee organizations representing employees of the medical facility and employee organizations representing other providers of care at the medical facility]~~ the committee on workplace safety established pursuant to paragraph (a) of subsection 1 of section 14 of this act in developing, reviewing and revising the training provided under the plan developed pursuant to paragraph (b) of subsection 1 of section 14 of this act and any curricula or materials used in that training.*

Sec. 16. *~~[1.]~~ The procedures for responding to and investigating incidents of workplace violence included in the plan adopted pursuant to paragraph (b) of subsection 1 of section 14 of this act must include, without limitation, procedures to:*

*~~[(a) Carry out, maintain]~~*

*1. Maintain and use alarms ~~[and]~~ or other communications systems to allow employees and other providers of care to seek immediate assistance during an incident of workplace violence;*

*~~[(b)]~~ 2. Ensure an effective response to each incident of workplace violence, including, without limitation, by ensuring that members of the staff of the medical facility are trained to address such incidents and designated to be available to immediately assist in the response to such an incident without interrupting patient care;*

*~~[(c)]~~ 3. Provide ~~[immediate]~~ timely medical care or first aid to employees or other providers of care who have been injured in an incident of workplace violence;*

*~~[(d)]~~ 4. Identify each employee or other provider of care involved in an incident of workplace violence;*

*~~[(e)]~~ 5. Offer counseling to each employee and other provider of care affected by an incident of workplace violence;*

*~~[(f)]~~ 6. Offer the opportunity for each employee and other provider of care, including, without limitation, supervisors and security guards, involved in an incident of workplace violence to debrief as soon as possible after the incident at a time and place that is convenient for the employee or other provider of care;*

*~~[(g)]~~ 7. Review any patient-specific risk factors and any measures specified to reduce those factors;*

~~[(h)]~~ 8. Review the implementation and effectiveness of corrective measures taken under the plan; and

~~[(i)]~~ 9. Solicit the ~~[opinion]~~ feedback of each employee or other provider of care involved in an incident of workplace violence concerning the precipitating factors of the incident and any measures that may have assisted in preventing the incident.

~~[2. The procedures for assessing and responding to situations that create the potential for workplace violence must include, without limitation, procedures for:~~

~~(a) Assessing factors that may contribute to or prevent incidents of workplace violence in each unit, area and location of the medical facility. Such factors include, without limitation:~~

~~(1) Staffing that contributes to or is insufficient to address the risk of workplace violence;~~

~~(2) Sufficiency of security systems, including, without limitation, alarms and emergency response systems and the availability of security guards;~~

~~(3) Design of jobs, equipment and facilities;~~

~~(4) Environmental risk factors; and~~

~~(5) Patient-specific risk factors.~~

~~(b) Employees and other providers of care to report incidents of workplace violence and concerns about workplace violence or the potential for workplace violence without fear of reprisal.~~

~~(c) Investigating concerns reported pursuant to paragraph (b) and informing employees and other providers of care of the results of such an investigation and any corrective action taken in response to the investigation.~~

~~(d) Communicating about workplace violence, including, without limitation:~~

~~(1) The manner in which employees and other providers of care may document and communicate information to other employees and other providers of care, including, without limitation, employees and other providers of care who work different hours or on different units, concerning conditions that may increase the potential for workplace violence; and~~

~~(2) Means by which to alert employees and other providers of care to the presence, location and nature of a security threat.~~

~~3. As used in this section, "environmental risk factors" means factors in the medical facility or an area in which health care services or operations are conducted that may contribute to the likelihood or severity of an incident of workplace violence, including, without limitation, working in an isolated area, poor illumination or blocked visibility and lack of physical barriers between employees or other providers of care and persons who are at a risk of committing workplace violence.]~~

Sec. 17. 1. A medical facility shall:

(a) Ensure that the plan developed pursuant to paragraph (b) of subsection 1 of section 14 of this act is effectively ~~[carried out]~~ implemented at all times and in all units, areas and locations of the medical facility.

*(b) Coordinate risk assessment and development and implementation of the plan developed pursuant to paragraph (b) of subsection 1 of section 14 of this act with ~~[independent contractors whose]~~ employees who provide care in the medical facility.*

*(c) ~~[Ensure that each temporary employee or other provider of care receives an appropriate orientation in the plan developed pursuant to section 14 of this act before beginning work in the medical facility.~~*

*~~(d)]~~ Implement engineering controls, work practice controls and other appropriate measures, as applicable, to prevent and mitigate the risk of workplace violence in all units, areas and locations of the facility. Such controls ~~[may include, without limitation:~~*

*~~(1) Assignment or placement of sufficient numbers of staff to reduce patient-specific risk factors;~~*

*~~(2) Reconfiguration of spaces in the facility to prevent or minimize potential incidents of workplace violence;~~*

*~~(3) Procedures to prevent the transportation of unauthorized firearms and other dangerous weapons into and within the medical facility; and~~*

*~~(4) Maintenance at all times of a sufficient number of trained staff or security guards to prevent or immediately respond to incidents of workplace violence. Such staff must not have other job duties that hinder their ability to respond immediately to an incident or potential incident of workplace violence.~~*

*~~(e) Report any incident of workplace violence at the medical facility that results in injury, involves a firearm or other dangerous weapon or presents an urgent or emergent threat to the welfare, health or safety of an employee or other provider of care to the Division not later than 24 hours after the incident.~~*

*~~(f) Report any other incident of workplace violence at the medical facility to the Division not later than 72 hours after the incident.]* must meet the requirements prescribed in the regulations adopted pursuant to section 18.5 of this act.*

*2. A medical facility shall:*

*(a) Encourage employees and other providers of care to report incidents of workplace violence and concerns about workplace violence and seek the assistance of a public safety agency in accordance with the plan developed pursuant to paragraph (b) of subsection 1 of section 14 of this act to respond to an incident of workplace violence; and*

*(b) Report to the Division any incident of workplace violence that:*

*(1) Involves the use of physical force against an employee or other provider of care by a patient or a person accompanying a patient;*

*(2) Involves the use of a firearm or other dangerous weapon; or*

*(3) Presents a realistic possibility of death or serious physical harm to an employee or other provider of care.*

*3. A medical facility shall not ~~[:~~*

*~~(a) Prohibit]~~ prohibit an employee or other provider of care from reporting incidents of workplace violence or concerns about workplace violence or*

*seeking the assistance of a public safety agency to respond to an incident of workplace violence ~~[; or~~*

*~~(b) Punish or retaliate against an employee or other provider of care for reporting an incident of workplace violence or seeking such assistance.]~~ in accordance with the plan developed pursuant to paragraph (b) of subsection 1 of section 14 of this act.*

Sec. 18. *1. A medical facility shall maintain and make available to the Division upon request records related to incidents of workplace violence and actions taken in compliance with sections 14 to ~~[17,]~~ 18.5, inclusive, of this act ~~[.]~~ and the regulations adopted pursuant thereto. Such records must include, without limitation:*

*(a) Records of the identification, evaluation and correction of hazards that increase the risk of workplace violence.*

*(b) A ~~[log]~~ record of workplace violence which ~~[must include documentation of each incident of workplace violence against an employee of the medical facility or other provider of care at the medical facility, regardless of whether a report of the incident is submitted to the Division pursuant to paragraph (e) or (f) of subsection 1 of section 17 of this act. An entry in the log for an incident of workplace violence must be retained for at least 5 years after the incident and must include, without limitation:~~*

*~~(1) A detailed description of the incident, including, without limitation, the location and circumstances surrounding the incident;~~*

*~~(2) A classification of the perpetrator of the incident;~~*

*~~(3) A classification of the type of incident; and~~*

*~~(4) A description of any consequences of the incident, including, without limitation, any injuries caused by the incident.]~~ meets the requirements prescribed by the regulations adopted pursuant to section 18.5 of this act.*

*(c) A record of each training session provided under the plan developed pursuant to paragraph (b) of subsection 1 of section 14 of this act. ~~[Such records must be maintained for at least 1 year after the training session and must include, without limitation, the date and content of the training session and the names and qualifications of each person who provided training as part of the session.]~~*

*(d) A record of each report to the Division pursuant to ~~[NRS 618.378 or]~~ paragraph ~~[(e) or (f)]~~ (b) of subsection ~~[1]~~ 2 of section 17 of this act.*

*(e) Any additional information required by regulation of the Division.*

*2. ~~[Employees, other providers of care and representatives of employees or other providers of care at a medical facility are entitled to access to any records maintained by a medical facility pursuant to this section. A medical facility shall, upon request, provide copies of the records to the employees, other providers of care or representatives within 72 hours after receipt of the request.~~*

*~~3. If a copy of a record is provided pursuant to this section, the first six pages reproduced pursuant to the request must be provided without charge.~~*

~~*The charge for each additional page copied must not exceed the cost of reproduction.*~~

~~*4.]*~~ *Records maintained pursuant to* ~~*[this section]*~~ *sections 14 to 18.5, inclusive, of this act and the regulations adopted pursuant thereto must not include the personally identifiable information of any patient, employee of the medical facility or other provider of care at the medical facility. Such records must not be maintained or disclosed in a manner that violates NRS 449A.112 or the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto.*

~~*[ 5. For the purposes of this section, "representatives of employees or other providers of care at a medical facility" means:*~~

~~*(a) A person previously identified to the Division as an authorized representative of the employee bargaining unit of a labor organization which has a collective bargaining relationship with the employer and represents the affected employees.*~~

~~*(b) An attorney acting for an affected employee or other provider of care.*~~

~~*(c) Any person designated by a court to act as the official representative for the estate of an affected employee or other provider of care.]*~~

*Sec. 18.5.* *1. The Division shall, in consultation with the Division of Public and Behavioral Health of the Department of Health and Human Services, define by regulation the term "unit" for the purposes of sections 2 to 19, inclusive, of this act.*

*2. In addition to the regulations adopted pursuant to subsection 1, the Division shall adopt regulations that:*

*(a) Prescribe minimum requirements for the procedures for assessing and responding to situations that create the potential for workplace violence included in the plan adopted pursuant to paragraph (b) of subsection 1 of section 14 of this act.*

*(b) Prescribe minimum requirements for the engineering controls, work practice controls and other appropriate measures to prevent and mitigate the risk of workplace violence carried out pursuant to section 17 of this act.*

*(c) Prescribe the required contents of a record of workplace violence maintained pursuant to section 18 of this act.*

Sec. 19. *1.* ~~*[On or before January 31 of each year, the]*~~ *A medical facility shall submit to the Division the most current annual summary of workplace injuries and illnesses compiled pursuant to 29 C.F.R. § 1904.32.*

*2. The Division shall* ~~*[compile and]*~~ *make available on an Internet website maintained by the Division a* ~~*[report concerning workplace violence at medical facilities in this State. The report must include, without limitation:*~~

~~*(a) The total number of incidents of workplace violence reported pursuant to paragraphs (e) and (f) of subsection 1 of section 17 of this act by medical facilities in this State and the name of each medical facility that made a report pursuant to paragraph (e) or (f) of subsection 1 of section 17 of this act;*~~

~~*(b) The outcome of any inspection or investigation conducted in response to an incident of workplace violence at a medical facility;*~~

~~*(c) Any action taken against a medical facility in response to an incident of workplace violence; and*~~

~~*(d) Recommendations of the Division to prevent workplace violence at medical facilities.*~~

~~*2. The report compiled pursuant to this section must not include any personally identifiable information concerning an employee, other provider of care or patient of a medical facility or any other information for which disclosure would violate NRS 449A.112 or the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or any regulations adopted pursuant thereto.]*** *copy of the most recent:*

*(a) Annual summary submitted by each medical facility in this State pursuant to subsection 1;*

*(b) Reports prepared by the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to NRS 439.840 and 439.845; and*

*(c) Sentinel Event Data Summary published by The Joint Commission or its successor organization or, if that summary ceases to be published, a similar report selected by the Division.*

Sec. 19.3. NRS 618.445 is hereby amended to read as follows:

618.445 1. A person shall not discharge or in any manner discriminate against any employee because the employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter , ~~[or]~~ has testified or is about to testify in any such proceeding , *has performed an action described in* ~~*[paragraph (a) of]*~~ *subsection* ~~*[2]*~~ *3 of section 17 of this act* or because of the exercise by the employee on behalf of himself, herself or others of any right afforded by this chapter.

2. Any employee aggrieved by a violation of subsection 1 may file a complaint for the relief afforded under subsection 3 with the Division. Any complaint must be filed with the Division within 30 days after the violation has occurred and must set forth in writing the facts constituting the violation.

3. Upon receipt of the complaint by the Division, the Administrator shall cause such investigation to be made as the Administrator deems appropriate. If upon investigation, the Administrator determines that the provisions of subsection 1 have been violated, the Administrator shall bring an action in the name of the Administrator in any appropriate district court against the person who has committed the violation.

4. If the court finds that the employee was discharged or discriminated against in violation of subsection 1, the employee is entitled to reinstatement and reimbursement for lost wages and work benefits.

5. Any decision reached by the Administrator relating to the filing of an action pursuant to this section must be made available to the complaining employee within 90 days after the Division's receipt of the complaint.

*Sec. 19.35.* NRS 449.205 is hereby amended to read as follows:

449.205 1. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against:

(a) An employee of the medical facility or a person acting on behalf of the employee who in good faith:

(1) Reports to the Board of Medical Examiners or the State Board of Osteopathic Medicine, as applicable, information relating to the conduct of a physician which may constitute grounds for initiating disciplinary action against the physician or which otherwise raises a reasonable question regarding the competence of the physician to practice medicine with reasonable skill and safety to patients;

(2) Reports a sentinel event to the Division pursuant to NRS 439.835; or

(3) Cooperates or otherwise participates in an investigation or proceeding conducted by the Board of Medical Examiners, the State Board of Osteopathic Medicine or another governmental entity relating to conduct described in subparagraph (1) or (2); ~~[or]~~

(b) A registered nurse, licensed practical nurse, nursing assistant or medication aide - certified who is employed by or contracts to provide nursing services for the medical facility and who:

(1) In accordance with the policy, if any, established by the medical facility:

(I) Reports to his or her immediate supervisor, in writing, that he or she does not possess the knowledge, skill or experience to comply with an assignment to provide nursing services to a patient; and

(II) Refuses to provide to a patient nursing services for which, as verified by documentation in the personnel file of the registered nurse, licensed practical nurse, nursing assistant or medication aide - certified concerning his or her competence to provide various nursing services, he or she does not possess the knowledge, skill or experience to comply with the assignment to provide nursing services to the patient, unless the refusal constitutes unprofessional conduct as set forth in chapter 632 of NRS or any regulations adopted pursuant thereto;

(2) In accordance with a policy adopted pursuant to NRS 449.2423, requests to be relieved of, refuses or objects to a work assignment;

(3) In good faith, reports to the medical facility, the Board of Medical Examiners, the State Board of Osteopathic Medicine, the State Board of Nursing, the Legislature or any committee thereof or any other governmental entity:

(I) Any information concerning the willful conduct of another registered nurse, licensed practical nurse, nursing assistant or medication aide - certified which violates any provision of chapter 632 of NRS or which is required to be reported to the State Board of Nursing;

(II) Any concerns regarding patients who may be exposed to a substantial risk of harm as a result of the failure of the medical facility or any agent or employee thereof to comply with minimum professional or accreditation standards or applicable statutory or regulatory requirements; or

(III) Any other concerns regarding the medical facility, the agents and employees thereof or any situation that reasonably could result in harm to patients; or

(4) Refuses to engage in conduct that would violate the duty of the registered nurse, licensed practical nurse, nursing assistant or medication aide - certified to protect patients from actual or potential harm, conduct which would violate any provision of chapter 632 of NRS or conduct which would subject the registered nurse, licensed practical nurse, nursing assistant or medication aide - certified to disciplinary action by the State Board of Nursing ~~[.]~~ *; or*

*(c) An employee or other provider of care who takes an action described in subsection 3 of section 17 of this act.*

2. A medical facility or any agent or employee thereof shall not retaliate or discriminate unfairly against an employee of the medical facility or a registered nurse, licensed practical nurse, nursing assistant or medication aide - certified who is employed by or contracts to provide nursing services for the medical facility because the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified has taken an action described in subsection 1.

3. A medical facility or any agent or employee thereof shall not prohibit, restrict or attempt to prohibit or restrict by contract, policy, procedure or any other manner the right of an employee of the medical facility or a registered nurse, licensed practical nurse, nursing assistant or medication aide - certified who is employed by or contracts to provide nursing services for the medical facility to take an action described in subsection 1.

4. As used in this section:

(a) "Good faith" means honesty in fact in the reporting of the information or in the cooperation in the investigation concerned.

(b) "Physician" means a person licensed to practice medicine pursuant to chapter 630 or 633 of NRS.

(c) "Retaliate or discriminate":

(1) Includes, without limitation, any of the following actions if taken solely because the employee, registered nurse, licensed practical nurse, nursing assistant or medication aide - certified took an action described in subsection 1:

(I) Frequent or undesirable changes in the location where the person works;

(II) Frequent or undesirable transfers or reassignments;

(III) The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;

(IV) A demotion;

(V) A reduction in pay;

(VI) The denial of a promotion;

(VII) A suspension;

(VIII) A dismissal;

(IX) A transfer; or

(X) Frequent changes in working hours or workdays.

(2) Does not include an action described in sub-subparagraphs (I) to (X), inclusive, of subparagraph (1) if the action is taken in the normal course of employment or as a form of discipline.

*Sec. 19.37.* NRS 449.2418 is hereby amended to read as follows:

449.2418 "Unit" ~~[means a component within a health care facility for providing patient care.]~~ *has the meaning ascribed to it by regulation of the Division.*

*Sec. 19.4.* NRS 449.242 is hereby amended to read as follows:

449.242 1. ~~[Each]~~ *Except as otherwise provided in subsection 4, each* hospital located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall establish a staffing committee to develop a written policy as required pursuant to NRS 449.2423 and a documented staffing plan as required pursuant to NRS 449.2421. ~~[The]~~ *Each* staffing committee *established pursuant to this subsection* must consist of:

(a) Not less than one-half of the total regular members of the staffing committee from the licensed nursing staff and certified nursing assistants who are providing direct patient care at the hospital. The members described in this paragraph must consist of:

(1) One member representing each unit of the hospital who is a licensed nurse who provides direct patient care on that unit, elected by the licensed nursing staff who provide direct patient care on the unit that the member will represent.

(2) One member representing each unit of the hospital who is a certified nursing assistant who provides direct patient care on that unit, elected by the certified nursing assistants who provide direct patient care on the unit that the member will represent.

(b) Not less than one-half of the total regular members of the staffing committee appointed by the administration of the hospital.

(c) One alternate member representing each unit of the hospital who is a licensed nurse or certified nursing assistant who provides direct patient care on that unit, elected by the licensed nursing staff and certified nursing assistants who provide direct patient care on the unit that the member represents.

2. Each time a new staffing committee is formed ~~[,]~~ *pursuant to subsection 1,* the administration of the hospital shall hold an election to select the members described in paragraphs (a) and (c) of subsection 1. Each licensed nurse and certified staffing assistant who provides direct patient care at the hospital must be allowed at least 3 days to vote for:

(a) The regular member described in paragraph (a) of subsection 1 who will represent his or her unit and profession; and

(b) The alternate member described in paragraph (c) of subsection 1 who will represent his or her unit.

3. If a vacancy occurs in a position on a staffing committee described in paragraph (a) or (c) of subsection 1, a new regular or alternate member, as applicable, must be elected in the same manner as his or her predecessor.

4. *If a staffing committee is established for a health care facility described in subsection 1 through collective bargaining with an employee organization representing the licensed nursing staff and certified nursing assistants of the health care facility:*

*(a) The health care facility is not required to form a staffing committee pursuant to that subsection; and*

*(b) The staffing committee established pursuant to the collective bargaining agreement shall be deemed to be the staffing committee established for the health care facility pursuant to subsection 1.*

*5.* In developing the written policy and the staffing plan, the staffing committee shall consider, without limitation, the information received pursuant to paragraph (b) of subsection 5 of NRS 449.2423 regarding requests to be relieved of a work assignment, refusals of a work assignment and objections to a work assignment.

~~[5.]~~ *6.* The staffing committee of a hospital shall meet at least quarterly.

~~[6.]~~ *7.* Each hospital that is required to establish a staffing committee pursuant to this section shall prepare a written report concerning the establishment of the staffing committee, the activities and progress of the staffing committee and a determination of the efficacy of the staffing committee. The hospital shall submit the report on or before December 31 of each:

(a) Even-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) Odd-numbered year to the Legislative Committee on Health Care.

Sec. 19.6. Section 6 of this bill is hereby amended to read as follows:

Sec. 6. "Medical facility" means:

1. A hospital, as defined in NRS 449.012; ~~[or]~~

2. A psychiatric hospital, as defined in NRS 449.0165 ~~[.]~~ *;*

*3. An agency to provide nursing in the home, as defined in NRS 449.0015, that has at least 50 employees;*

*4. An independent center for emergency medical care, as defined in NRS 449.013;*

*5. A facility for intermediate care, as defined in NRS 449.0038;*

*6. A facility for skilled nursing, as defined in NRS 449.0039;*

*7.* ~~*[A rural clinic, as defined in NRS 449.0175;*~~

~~*8.]*~~ *A facility for modified medical detoxification, as defined in NRS 449.00385; or*

~~*[9.]*~~ *8. A community triage center, as defined in NRS 449.0031*.

Sec. 20. 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. 21. 1. This section and sections 1 to ~~[19.3,]~~ 19.4, inclusive, and 20 of this act become effective:

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

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

2. Section 19.6 of this act becomes effective:

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

(b) On July 1, 2021, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senators Woodhouse and Hardy.

SENATOR WOODHOUSE:

Amendment No. 1109 makes various changes to Assembly Bill No. 348. The amendment requires certain medical facilities to establish a committee on workplace safety to assist in the development of a plan to prevent workplace violence. In addition, the amendment authorizes the Division of Public and Behavioral Health to take disciplinary action against a medical facility that retaliates against an employee who reports an incident of workplace violence or seeks the assistance of a public safety agency in response to such an incident.

The amendment also authorizes the Division of Industrial Relations to adopt regulations to carry out provisions of this bill, including minimum requirements for a plan to prevent workplace violence. In addition, the amendment authorizes the Division of Industrial Relations to request documentation relating to a medical facility's plan or records of incidents involving workplace violence. Finally, the amendment requires the Division of Industrial Relations to make available annual summaries and various reports concerning workplace violence at hospitals and psychiatric hospitals.

SENATOR HARDY:

The amendment says, "… revising provisions relating to staffing at certain health care facilities," and then lists the kinds of measures, terms, reports and procedures. As I turn the pages, it gets more and more interesting related to expense. On page 15 it says, "The staffing committee established pursuant to the collective bargaining agreement shall be deemed to be the staffing committee established for the health care facility pursuant to subsection 1." This means some people may not be allowed to be on the staffing committee. I have problems with this amendment.

Amendment adopted.

Bill read third time.

Remarks by Senators Spearman and Hardy.

SENATOR SPEARMAN:

Assembly Bill No. 348, requires a hospital or psychiatric hospital to develop and maintain a plan for the prevention of and response to workplace violence. In addition, the bill, requires certain medical facilities to establish a committee on workplace safety to assist in the development of such a plan. Assembly Bill No. 348, also requires a hospital or psychiatric hospital to document and report to the Division of Industrial Relations certain incidents of workplace violence. The bill, as amended, authorizes the Division of Public and Behavioral Health to take disciplinary action against a medical facility that retaliates against an employee for reporting workplace violence. Finally, the bill, requires a hospital or psychiatric hospital to maintain and make available to the Division of Industrial Relations, documentation relating to the plan and training for the prevention of and response to workplace violence, as well as records of incidents of workplace violence.

SENATOR HARDY:

As we have found in the world, you cannot control people. You can predict people, and thus, you do and will have violence in different places at different times. This is a noble effort that is flawed with problems, and it will not work. I will be opposed.

Roll call on Assembly Bill No. 348:

YEAS—13.

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

Assembly Bill No. 348 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 236.

Bill read third time.

The following amendment was proposed by Senator Cannizzaro:

Amendment No. 1126.

SUMMARY—Makes various changes related to criminal law and criminal procedure. (BDR 14-564)

AN ACT relating to crimes; 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 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; (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 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 the probationer was not brought before the court in a timely manner, the court is authorized to subsequently hold a hearing to determine whether a technical violation occurred and take appropriate action. Section 35 further prohibits the commission of certain acts from being used as the only basis for the revocation of probation. Section 101 of this bill provides that if the State Board of Parole Commissioners ("Board") finds that a parolee committed one or more technical violations of the conditions of parole, the Board may take certain actions, including temporarily revoking parole supervisions and imposing certain terms of imprisonment depending on how many times parole has previously been temporarily revoked. Section 18 of this bill requires the Division to adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation or parole and establishes certain requirements relating to such a system.

Section 19 authorizes a court to defer judgment to a specified future date and set forth specific terms and conditions for the defendant in certain circumstances. If the court finds that the defendant has completed all such conditions, the court is required to discharge the defendant and dismiss the proceedings.

Existing law requires the report of any presentence investigation to contain certain information, including: (1) a recommendation of a minimum term and a maximum term of imprisonment, other term of imprisonment, a fine, or both a fine and term of imprisonment; and (2) if the Division deems appropriate, a recommendation that the defendant undergo a program of regimental discipline. (NRS 176.145) Section 13 of this bill removes the requirement that the report of any presentence investigation contain such recommendations. Section 12 of this bill requires each court in which a report of a presentence investigation can be made to ensure that each judge of the court receives training concerning the manner in which to use the information included in such a report for the purpose of imposing a sentence.

Existing law establishes the crime of burglary. (NRS 205.060) Section 55 of this bill establishes: (1) certain types of burglary that differ based on the structure in which the crime is committed; and (2) the various penalties imposed for each type of burglary. Existing law authorizes a person to petition

the court in which the person was convicted for the sealing of all records relating to the conviction, but excludes certain specified convictions. (NRS 179.245) Section 37 of this bill prohibits a person from petitioning the court to seal records relating to a conviction of invasion of the home with a deadly weapon.

Existing law provides that a person who commits theft is guilty of: (1) a misdemeanor if the value of the property or services involved in the theft is less than $650; and (2) a category C felony if the value of the property or services involved in the theft is $650 or more. (NRS 205.0835) Section 58 of this bill increases the felony theft threshold to $1,200 and establishes a tier of penalties based on the value of the property or services involved in the theft. Sections 59, 60, 61-64, 65-83, 85, 126, 131 and 132 of this bill make conforming changes to various theft offenses that use monetary thresholds.

Existing law makes it a crime for a person to use a scanning device to access, read, obtain, memorize or store information encoded on the magnetic strip of a payment card: (1) without the permission of the authorized user of the card; and (2) with the intent to defraud the user or issuer of the card or any other person. (NRS 205.605) Existing law also makes it a crime for a person to possess a scanning device with the intent to use it for an unlawful purpose. (NRS 205.606) Section 84.3 of this bill makes it a crime for a person to install or affix a scanning device within or upon a machine used for financial transactions with the intent to use the scanning device for an unlawful purpose. Section 84.3 also makes it a crime for a person to access, by electronic or any other means, a scanning device with the intent to use the scanning device for an unlawful purpose. Section 84.3 provides that a person who installs, affixes or accesses a scanning device in such an unlawful manner is guilty of a category C felony.

Existing law exempts certain persons from the provisions governing the unlawful use or possession of scanning devices. Existing law provides that a person is exempt from these provisions if he or she uses or possesses a scanning device without the intent to defraud or commit an unlawful act: (1) in the ordinary course of his or her business; or (2) with the consent of the authorized user of a payment card to complete a financial transaction using that card. (NRS 205.607) Section 84.5 of this bill expands this exemption to include a person who installs, affixes or accesses a scanning device without the intent to commit an unlawful act: (1) in the ordinary course of his or her business; or (2) to complete such a financial transaction.

Existing law provides that a person who offers, attempts or commits certain unauthorized acts relating to controlled or counterfeit substances is guilty of a category B felony for the first offense if the controlled substance is classified in schedule I or II and a category C felony for the first offense if the controlled substance is classified in schedule III, IV or V. (NRS 453.321) Section 112 of this bill decreases such penalties to a category C and category D felony, respectively. Section 112 also decreases the minimum and maximum terms of imprisonment and the amount of the authorized fine for a third or subsequent

offense if the controlled substance is classified in schedule III, IV or V. Existing law prohibits a court from granting probation to a person who is convicted of a second or subsequent offense of certain commercial drug offenses. (NRS 453.321, 453.337, 453.338) Sections 112, 116 and 117 of this bill generally authorize a court to grant probation if mitigating circumstances exist that warrant the granting of probation.

Existing law prohibits the trafficking of: (1) schedule I controlled substances other than marijuana; (2) marijuana or concentrated cannabis; and (3) schedule II controlled substances. The penalties for each such offense vary based on the quantity of the controlled substance that is trafficked. (NRS 453.3385, 453.339, 453.3395) Section 119 of this bill 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 for the purposes of imposing a penalty.

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 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 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 (4) have served at least a majority of the maximum term or maximum aggregate term of his or her sentence.

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. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (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;*

*(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 ~~[.]~~ or a violation of NRS 200.508.*

*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:*

*(1) New felony or gross misdemeanor;*

*(2) Battery which constitutes domestic violence pursuant to NRS 200.485;*

*(3) Violation of NRS 484C.110 or 484C.120;*

*(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;* ~~*[or]*~~

*(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;*

*(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or*

*(7) 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. 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:*

*(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*

*(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 ~~[.]~~ or a violation of NRS 200.508.*

*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;*

*(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* ~~[.]~~ *or a violation of NRS 200.508.*

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, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor* ~~*[or]*~~ *, harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the probationer is being supervised , violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 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) Ninety days for the second temporary revocation; or*

*(3) 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 the person is not 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 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:*

*(1) New felony or gross misdemeanor;*

*(2) Battery which constitutes domestic violence pursuant to NRS 200.485;*

*(3) Violation of NRS 484C.110 or 484C.120; or*

*(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor; ~~[or]~~*

*(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;*

*(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or*

*(7) 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. 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. *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;*

*(d) Does not pose a significant and articulable risk to public safety; and*

*(e) Is 65 years of age or older and has served at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence.*

*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, violation of NRS 484C.110 or 484C.120, crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor ~~[or]~~ , harassment pursuant to NRS 200.571, stalking or aggravated stalking pursuant to NRS 200.575, violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised , violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 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) Ninety days for the second temporary parole revocation; or*

*(3) 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:*

*(1) New felony or gross misdemeanor;*

*(2) Battery which constitutes domestic violence pursuant to NRS 200.485;*

*(3) Violation of NRS 484C.110 or 484C.120;*

*(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor; ~~[or]~~*

*(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;*

*(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or*

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

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 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.

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 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 Senator Cannizzaro.

Amendment No. 1126 to Assembly Bill No. 236 makes various changes to excluded crimes like diversionary courts and for what would be considered a technical violation on probation or parole. It adds child abuse to the excluded crimes when dealing with a diversionary program and felony definitions. For technical violations, it would include that stalking, harassment and any violation of a protective order would be included as something that could not be considered a technical violation.

Amendment adopted.

Bill read third time.

Remarks by Senators Harris, Pickard, Hardy, Ohrenschall and Hansen.

SENATOR HARRIS:

Amendment No. 1126 to Assembly Bill No. 236 makes various changes related to criminal law and criminal procedure, including, but not limited to, revising provisions related to crimes involving burglary, theft and controlled substances; habitual criminals; penalties for certain crimes; probation and parole; specialty court programs; contents required in the report of presentence investigations; training concerning reports of presentence investigations for certain judges, and requirements for the Peace Officers' Standards and Training Commission. The bill also authorizes a court to defer or suspend judgement on a case in certain circumstances; revises provisions relating to the duties of the Nevada Sentencing Commission; establishes the Nevada Local Justice Reinvestment Coordinating Council; revises programs relating to treatment

programs of persons who commit domestic violence; and makes it unlawful to install or affix a scanning device within or upon a machine used for financial transactions under certain circumstances.

The bill appropriates from the State General Fund to the Division of Parole and Probation of the Department of Public Safety $766,008 during the 2019-2021 Biennium for personnel costs for quality assurance, data tracking, record sealing and tracking. The bill appropriates from the State General Fund to the Division $150,337 for personnel costs. The bill appropriates from the State General Fund to the Department of Corrections $113,481 for personnel costs to address certain reporting requirements.

SENATOR PICKARD:

I rise in support of Assembly Bill No. 236. There are several things I do not like about this bill, for example, the deletion of the prediversion program for misdemeanor offensives. This is a program where first-time offenders having low-level issues are given a chance to stay out of the criminal justice system and either get into treatment or otherwise avoid the stigma and difficulties that they encounter when entering the justice system. There are other things I like such as those that have been expressed. I want to express my support. I know this bill is not perfect, but we have been saying for years, on both sides of the aisle, that we need to change from merely housing criminals to rehabilitation and making corrections. This is a step in the right direction, and I urge my colleagues to vote "yes" on Assembly Bill No. 236.

SENATOR HARDY:

Section 6(1.)(a)(1)(I) of the bill says, "…any type of offense, type of admission, felony category, prior criminal history, gender identity or expression, race, ethnicity, sexual orientation, age… ." It continues on 29, 30 and 31, and this may sound familiar, "…gender identity or expression, race, ethnicity, sexual orientation, age… ." In 43 and 44 it says, "gender identity or expression, race, ethnicity, sexual orientation…," and it says the same thing on the next page. We are voting on something that is all-inclusive. We are not going to discriminate in any way. We are going to pass an amendment that prevents this, but we have it in the first and second page of the bill. I find this not only ironic, but hypocritical.

SENATOR OHRENSCHALL:

I rise in support of Assembly Bill No. 236. I had the privilege of serving on the Advisory Commission on the Administration of Justice that Assemblyman Yeager chaired, and I was impressed by its work and recommendations. This bill is founded in data and years of research about what works to effectively curb recidivism. It is the kind of change we need in our State. We need to shift our resources from incarceration, to policies and practices that make our community safer and ensure people do not become entrenched in what is the revolving door of the criminal justice system. I know from my experience practicing as a juvenile public defender, intervention needs to happen early in people's lives to make the biggest difference. The recommendations in this bill provide the chance to do just that.

One finding that stuck out to me was the large number of people in our prisons or on supervision who are battling mental-health or substance-abuse problems. We know our State has gaps in treatment services. Locking people up who need treatment is not the solution to our State's problems. This legislation provides us with the chance to spend money on treatment and services instead of building new prisons. It provides the chance to invest in our citizens in ways that truly matter. This package of recommendations is a smart way forward. It is a way to make our community safer and help our citizens become productive members of our communities. I urge its support.

SENATOR HANSEN:

I rise in opposition to Assembly Bill No. 236. I agree, there is a lot of good stuff in this bill, but as you heard from the description read by my colleague, there is a lot to this. We are dealing with public safety, and the people most responsible for public safety, the law enforcement community, pretty much are opposed to this. Not all of them, but the majority were. In the interest of making sure we protect the public, I urge my colleagues to vote "no" on this. This is too big of a bite. It is true there are things we can do to make it better, but this is like trying to do everything in one bill.

We should take small steps when dealing with the public. I agree, I do not want people with medical issues or mental issues being locked up, but there are a lot of issues involved in that sort of thing. To try to throw a big omnibus bill dealing with the criminal justice system, the prison system and what should be an A, B, C, D, E felony into one package is a mistake. Even a tiny error on our part could result in people in our community being harmed by criminals that should be locked up. I would tell my colleagues to listen to the law enforcement community who opposed this bill. I urge you to vote "no" on Assembly Bill No. 236.

Roll call on Assembly Bill No. 236:
YEAS—19.
NAYS—Hansen, Hardy—2.

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

Bill ordered transmitted to the Assembly.

## UNFINISHED BUSINESS
### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 50.

The following Assembly amendment was read:

Amendment No. 1035.

SUMMARY—Revises provisions governing the temporary limited appointment of persons with disabilities by state agencies. (BDR 23-230)

AN ACT relating to the state personnel system; revising provisions governing the temporary limited appointment of persons with disabilities by state agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With limited exceptions, existing law requires agencies of the Executive Department of the State Government to make temporary limited appointments of persons with disabilities who are certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to certain positions in state service for a period not to exceed 700 hours. ~~[(NRS 284.327) Section 1 of this bill makes such appointments by those agencies discretionary, but requires the agencies to consider for a temporary limited appointment to such an available position any person with a disability who is certified by the Rehabilitation Division and is eligible for appointment to the position.~~ ~~]~~For purposes of temporary limited appointments, existing law requires a person with a disability who is certified by the Rehabilitation Division to: (1) possess the training and skills necessary for the position for which the person is certified; and (2) be able to perform, with or without accommodation, the essential functions of that position. (NRS 284.327) Section 1 of this bill clarifies that such an accommodation must be reasonable.

Existing law prohibits an appointing authority from making a temporary limited appointment of a certified person with a disability if the certified person with a disability currently receives benefits from the agency of the Executive Department of the State Government in which the position exists. (NRS 284.327) Section 1 of this bill removes this prohibition and requires that the receipt of such benefits by a certified person with a disability not be

deemed to create an actual or potential conflict of interest for purposes of the additional prohibition in existing law against an appointing authority making a temporary limited appointment in circumstances where an actual or potential conflict of interest would be created between the certified person with a disability and the agency in which the position exists.

Section 2 of this bill makes these provisions become effective on October 1, 2019.

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

Section 1. NRS 284.327 is hereby amended to read as follows:

284.327 1. Except as otherwise provided in subsection 4, ~~[5,]~~ if an appointing authority has a position available and the position is not required to be filled in another manner pursuant to this chapter, to assist persons with disabilities certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, the appointing authority shall, if possible, make a ~~[:~~

~~(a) Shall consider for the position any such certified person with a disability who is eligible for appointment to the position; and~~

~~(b) May make a temporary limited appointment of any such certified person with a disability to the position.~~

~~2. A]~~ temporary limited appointment of a certified person with a disability for a period ~~[pursuant to this section must]~~ not to exceed ~~[a period of]~~ 700 hours notwithstanding that the position so filled is a continuing position.

2. ~~[3.]~~ A person with a disability who is certified by the Rehabilitation Division must be placed on the appropriate list for which the person is eligible. Each such person must:

(a) Possess the training and skills necessary for the position for which the person is certified; and

(b) Be able to perform, with or without *reasonable* accommodation, the essential functions of that position.

3. ~~[4.]~~ The Rehabilitation Division must be notified of an appointing authority's request for a list of eligibility on which the names of one or more certified persons with disabilities appear. A temporary limited appointment of a certified person with a disability pursuant to this section constitutes the person's examination as required by NRS 284.215.

4. ~~[5.]~~ An appointing authority shall not make a temporary limited appointment of a certified person with a disability pursuant to this section ~~[:~~

~~(a) If the certified person with a disability currently receives benefits from the agency of the Executive Department of the State Government in which the position exists; or~~

~~(b) In]~~ *in* any ~~[other circumstances]~~ *circumstance* that the appointing authority determines would create an actual or potential conflict of interest between the certified person with the disability and the agency of the Executive Department of the State Government in which the position exists. *For the purposes of this subsection, the receipt of benefits by the certified person with*

*the disability from the agency of the Executive Department of the State Government in which the position exists shall not be deemed to create an actual or potential conflict of interest between the certified person with the disability and the agency.*

5. ~~*[6.]*~~ Each appointing authority shall ensure that there is at least one person on the staff of the appointing authority who has training concerning:

(a) Making a temporary limited appointment of a certified person with a disability pursuant to this section; and

(b) The unique challenges a person with a disability faces in the workplace.

6. ~~*[7.]*~~ The Commission shall adopt regulations to carry out the provisions of subsections 1 and 2.

7. ~~*[, 2 and 3.*~~
~~*8.]*~~ This section does not deter or prevent appointing authorities from employing:

(a) A person with a disability if the person is available and eligible for permanent employment.

(b) A person with a disability who is employed pursuant to the provisions of subsection 1 in permanent employment if the person qualifies for permanent employment before the termination of the person's temporary limited appointment.

8. ~~*[9.]*~~ If a person appointed pursuant to this section is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or portion thereof counts toward the employee's probationary period.

Sec. 2. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on October 1, 2019, for all other purposes.

Senator Ohrenschall moved that the Senate concur in Assembly Amendment No. 1035 to Senate Bill No. 50.

Remarks by Senator Ohrenschall.

Amendment No. 1035 to Senate Bill No. 50 removes provisions that would have granted discretion to a State agency to make temporary, limited appointments of persons with disabilities. I urge your concurrence with the amendment.

Motion carried by a constitutional majority.

Bill ordered enrolled.

## REPORTS OF CONFERENCE COMMITTEES

*Madam President:*

The Conference Committee concerning Senate Bill No. 7, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 816 of the Assembly be concurred in.

| | |
|---|---|
| MARILYN DONDERO LOOP | STEVE YEAGER |
| DALLAS HARRIS | ROCHELLE NGUYEN |
| *Senate Conference Committee* | *Assembly Conference Committee* |

Senator Dondero Loop moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 7.

Motion carried by a constitutional majority,

*Madam President:*

The Conference Committee concerning Senate Bill No. 151, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment Nos. 780 and 850 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 6, which is attached to and hereby made a part of this report.

Conference Amendment No. 6.

SUMMARY—Revises provisions related to certain proceedings concerning property. (BDR 3-516)

AN ACT relating to property; removing and revising certain provisions relating to actions for summary eviction; reorganizing procedures for summary eviction of a tenant of a commercial premise; revising provisions governing notices to surrender possession of real property or a mobile home; limiting the amount of fees for the late payment of rent; requiring a landlord to allow a former tenant to retrieve essential personal effects and establishing an expedited procedure if a landlord acts unreasonably under such circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. (NRS 40.253) Section 1.7 of this bill removes the provisions governing the summary eviction procedure for a tenant of a commercial premise, thereby making section 1.7 solely applicable to summary eviction for the tenant of any dwelling, apartment, mobile home or recreational vehicle. Section 1 of this bill reorganizes the summary eviction procedure for a tenant of a commercial premise.

Existing law requires the landlord or the landlord's agent to serve or have served a notice in writing informing the tenant that he or she must pay the rent or surrender the premises at or before the fifth full day following the day of service. (NRS 40.253) Section 1.7 of this bill: (1) authorizes the landlord or landlord's agent to cause the notice to be served upon the tenant; and (2) increases the period that a tenant has to act after receiving such notice from at or before noon on the fifth full day to before the close of business of the court that has jurisdiction on the seventh judicial day.

Existing law authorizes a court, in an action for summary eviction, to order the removal of a tenant in default for rental payments. Existing law requires a sheriff or constable to remove such a tenant within 24 hours after the court issues such an order. (NRS 40.253) Section 1.7 revises the period of time before the removal of the tenant. Section 1.7 requires a sheriff or constable to post the order for removal in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. Section 1.7 then requires the sheriff or constable to remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order by the sheriff or constable.

Existing law provides that a person who holds over and continues in possession of real property or a mobile home which has been foreclosed or sold under certain circumstances may be removed pursuant to certain proceedings after a 3-day notice to surrender has been served. (NRS 40.255) Section 3 of this bill additionally provides that an existing lease of residential property will remain in effect if the property is transferred or sold to a new owner under certain circumstances. Section 3 provides for the duties and obligations of the tenant and the new owner.

Existing law requires a tenant to be served with certain notices to surrender. Existing law authorizes such service: (1) by delivering a copy of the notice to the tenant personally, in the presence of a witness, or by a sheriff, constable or certain other persons; (2) by leaving the notice with a person who meets certain qualifications at the place of residence or business of the tenant; or (3) by posting the notice on the rental property, delivering the notice to the person living there,

if possible, and mailing a copy to the tenant. Existing law requires that proof of service of such notices must be filed with the court before the court orders removal or issues a writ of restitution. (NRS 40.280) Section 4 of this bill provides that a notice to surrender the premises must be served by a sheriff, a constable, certain persons licensed as a process server or the agent of an attorney under certain circumstances. Section 4 of this bill prescribes certain requirements for proof of service. Sections 4.5- ~~[7. 3]~~ 7.1 and 7.3 of this bill make conforming changes.

Existing law defines certain terms used in chapter 118A of NRS, otherwise known as the Residential Landlord and Tenant Act. (NRS 118A.030-118A.170) Section 7.13 of this bill defines "periodic rent" for the purpose of this chapter. Section 7.2 of this bill authorizes a landlord to charge a reasonable late fee for the late payment of rent, but limits the maximum amount that may be imposed for a late fee to not more than 5 percent of the periodic rent.

Existing law sets forth the procedure for a landlord to dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability. (NRS 118A.460) Section 7.25 of this bill requires a landlord, during the 5-day period following the eviction or lockout of a tenant, to provide the former tenant a reasonable opportunity to retrieve essential personal effects from the premises. Section 1.7 establishes an expedited procedure for a former tenant to retrieve essential personal effects if a landlord acts unreasonably in providing access to the former tenant to retrieve essential personal effects.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:*

*(a) At or before noon of the fifth full day following the day of service; or*

*(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.*

➥ *As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.*

*2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver a copy of the notice to the tenant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required. If the notice cannot be delivered in person, the landlord or the landlord's agent:*

*(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and*

*(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.*

*3. A notice served pursuant to subsection 1 or 2 must:*

*(a) Identify the court that has jurisdiction over the matter; and*

*(b) Advise the tenant:*

*(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent; and*

*(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order.*

*4. If the tenant files an affidavit pursuant to paragraph (b) of subsection 3 at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.*

*5. Upon noncompliance of the tenant with a notice served pursuant to subsection 1 or 2:*

*(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the commercial premises is located or to the district court of the county in which the commercial premises is located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:*

*(1) The date the tenancy commenced.*

*(2) The amount of periodic rent reserved.*

*(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.*

*(4) The date the rental payments became delinquent.*

*(5) The length of time the tenant has remained in possession without paying rent.*

*(6) The amount of rent claimed due and delinquent.*

*(7) A statement that the written notice was served on the tenant pursuant to subsection 1 or 2 or in accordance with NRS 40.280.*

*(8) A copy of the written notice served on the tenant.*

*(9) A copy of the signed written rental agreement, if any.*

*(b) Except when the tenant has timely filed an affidavit described in paragraph (b) of subsection 3 and a file-stamped copy of the affidavit has been received by the landlord or the landlord's agent, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.*

*6. Upon the filing by the tenant of an affidavit pursuant to paragraph (b) of subsection 3, regardless of the information contained in the affidavit and the filing by the landlord of an affidavit pursuant to paragraph (a) of subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.*

*7. A tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118C.230 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:*

*(a) The tenant has vacated or been removed from the premises; and*

*(b) A copy of those charges has been requested by or provided to the tenant,*

➥ *whichever is later.*

*8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:*

*(a) Determine the costs due, if any, claimed by the landlord pursuant to 118C.230 and any accumulating daily costs; and*

*(b) Order the release of the tenant's property upon the payment of the costs determined to be due or if no charges are determined to be due.*

*9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks.*

Sec. 1.3. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, *and section 1 of this act,* unless the context requires otherwise:

1. "Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

2. "Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.

3. "Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed room or addition occupied by one or more persons as a residence or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

4. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

5. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

6. "Premises" includes a mobile home.

7. "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

8. "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

9. "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. "Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.

Sec. 1.7. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection ~~[10,]~~ *12,* in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home ~~[,]~~ *or* recreational vehicle ~~[or commercial premises]~~ with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent ~~[, unless otherwise agreed in writing,]~~ may ~~[serve or have]~~ *cause to be* served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) ~~[At or before noon of]~~ *Before the close of business on* the ~~[fifth full]~~ *seventh judicial* day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in ~~[paragraph (a) of]~~ subsection ~~[1]~~ *2* of ~~[NRS 40.280.]~~ *section 1 of this act.* If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to *post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall* remove *the* tenant ~~[within 24]~~ *not earlier than 24* hours *but not later than 36 hours* after ~~[receipt]~~ *the posting* of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home ~~[,]~~ *or* recreational vehicle ~~[or commercial premises]~~ are located or to the district court of the county in which the dwelling, apartment, mobile home ~~[,]~~ *or* recreational vehicle ~~[or commercial premises]~~ are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to *post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall* remove the tenant ~~[within 24]~~ *not earlier than 24* hours *but not later than 36 hours* after ~~[receipt]~~ *the posting* of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~[or 118C.230]~~ for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 ~~[or 118C.230]~~ and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. *The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:*

*(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and*

*(b) Award damages in an amount not greater than $2,500.*

*10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:*

*(a) Whether the landlord acted in good faith;*

*(b) The course of conduct between the landlord and the tenant; and*

*(c) The degree of harm to the tenant caused by the landlord's conduct.*

*11.* A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

~~[10.]~~ *12.* This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215 .

~~*[11.]*~~ *13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.*

Sec. 2. (Deleted by amendment.)

Sec. 2.5. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. In any action for summary eviction pursuant to NRS 40.253 or 40.254 ~~[,]~~ *or section 1 of this act,* the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which denies or dismisses the action for summary eviction; or

(b) Thirty-one days after the tenant has filed an affidavit described in subsection 3 of NRS 40.253 ~~[,]~~ *or subsection 3 of section 1 of this act,* if the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 *or subsection 5 of section 1 of this act* within 30 days after the tenant filed the affidavit.

2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, the court may order the sealing of an eviction case court file:

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

3. If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

4. As used in this section, "eviction case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 3. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 , *4* and ~~[7,]~~ *9,* in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. *Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:*

*(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;*

*(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and*

*(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.*

*3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:*

*(a) Providing the contact information of the new owner to whom rent should be remitted;*

*(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and*

*(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.*

*4.* If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

~~[3.]~~ *5.* During the notice period described in subsection ~~[2.]~~ *4:*

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

~~[4.]~~ *6.* The notice described in subsection ~~[2]~~ *4* must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection ~~[2.]~~ *4;* and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.

~~[5.]~~ *7.* If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection ~~[2.]~~ *4.*

~~[6.]~~ *8.* If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection ~~[2.]~~ *4* without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection ~~[2.]~~ *4.*

~~[7.]~~ *9.* This section does not apply to the tenant of a mobile home lot in a mobile home park.

~~[8.]~~ *10.* As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 4. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 ~~[,]~~ *and section 1 of this act,* the notices required by NRS 40.251 to 40.260, inclusive, must be served ~~[:~~

~~(a) By delivering a copy to the tenant personally, in the presence of a witness. If service is accomplished]~~ by the sheriff, *a* constable , ~~[or]~~ a person who is licensed as a process server pursuant to chapter 648 of NRS ~~[, the presence of a witness is not required.]~~ *or the agent of an attorney licensed to practice in this State:*

*(a) By delivering a copy to the tenant personally.*

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414; ~~[or]~~

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive ~~[.]~~ *; or*

*(d) An order for removal of a commercial tenant pursuant to section 1 of this act.*

5. Proof of service of *notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue* an order or writ filed pursuant to *paragraph (a), (b) or (c) of* subsection 4 must consist of:

(a) Except as otherwise provided in ~~[paragraphs]~~ *paragraph* (b) *:* ~~[and (c):]~~

(1) If the notice was served pursuant to ~~[paragraph (a) of]~~ subsection 1 ~~[or]~~ *, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:*

*(I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;*

*(II) Reviewed the date and manner of service by the agent; and*

*(III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.*

*(2) If the notice was served pursuant to* paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

~~[(2)]~~ *(3)* If the notice was served pursuant to ~~[paragraph (b) or (c) of subsection 1 or]~~ paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) ~~[If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.~~

~~(c)]~~ For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

*6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:*

*(a) Except as otherwise provided in paragraphs (b) and (c):*

*(1) If the notice was served pursuant to subsection 2 of section 1 of this act, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.*

*(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.*

*(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served*

*the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.*

*(c) For a short-term tenancy, if service of the notice was not delivered in person:*

*(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or*

*(2) The endorsement of a sheriff or constable stating the:*

*(I) Time and date the request for service was made by the landlord or the landlord's agent;*

*(II) Time, date and manner of the service; and*

*(III) Fees paid for the service.*

*7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:*

*(a) The landlord has retained the attorney an action pursuant to NRS 40.290 to 40.420, inclusive; and*

*(b) The agent is acting at the direction and under the direct supervision of the attorney.*

Sec. 4.5. NRS 40.385 is hereby amended to read as follows:

40.385 Upon an appeal from an order entered pursuant to NRS 40.253 ~~[:]~~ *or section 1 of this act:*

1. Except as otherwise provided in this subsection, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of the unpaid rent claim of the landlord.

2. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253 ~~[.]~~ *or section 1 of this act.*

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale

of property on execution upon a judgment for any sum less than $500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes . ~~[and may be served by:~~

~~(1) Delivering a copy to you personally in the presence of a witness, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;~~

~~(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business and to the place where the leased property is situated, if different; or~~

~~(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and mailing a copy to you at the place where the leased property is situated.]~~

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 7. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to surrender.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes . ~~[and may be served by:~~

~~(1) Delivering a copy to you personally in the presence of a witness, unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;~~

~~(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to~~

~~you at your place of residence or business and to the place where the leased property is situated, if different; or~~

~~(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property and mailing a copy to you at the place where the leased property is situated.]~~

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.0805.

Sec. 7.1. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection 1 of NRS 40.253 ~~[.]~~ *or subsection 1 of section 1 of this act, as applicable.*

*Sec. 7.13.* Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:

*"Periodic rent" means:*

*1. For a tenancy for a fixed term or a tenancy on a month to month basis, the amount of money payable each month;*

*2. For a tenancy on a week to week basis, the amount payable each week; and*

*3. For a tenancy on an annual basis, the amount payable annually divided by 12.*

*Sec. 7.15.* NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.170, inclusive, *and section 7.13 of this act* have the meanings ascribed to them in those sections.

*Sec. 7.2.* NRS 118A.210 is hereby amended to read as follows:

118A.210 1. Rent is payable without demand or notice at the time and place agreed upon by the parties.

2. Unless the rental agreement establishes a definite term, the tenancy is from week to week in the case of a tenant who pays weekly rent and in all other cases the tenancy is from month to month.

3. In the absence of an agreement, either written or oral:

(a) Rent is payable at the beginning of the tenancy; and

(b) Rent for the use and occupancy of a dwelling is the fair rental value for the use and occupancy.

*4. A landlord may charge a reasonable late fee for the late payment of rent as set forth in the renal agreement, but:*

*(a) Such a late fee must not exceed 5 percent of the amount of the periodic rent; and*

*(b) The maximum amount of the late fee must not be increased based upon a late fee that was previously imposed.*

*Sec. 7.25.* NRS 118A.460 is hereby amended to read as follows:

118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:

(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.253.

*3. During the 5-day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in subsection 9 of NRS 40.253.*

Sec. 7.3. NRS 118C.230 is hereby amended to read as follows:

118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and

obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of ~~[NRS 40.253.]~~ *section 1 of this act.*

Sec. 7.5. (Deleted by amendment.)

Sec. 8. This act becomes effective on July 1, 2019.

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|---|---|
| YVANNA CANCELA | STEVE YEAGER |
| JULIA RATTI | HOWARD WATTS |
| *Senate Conference Committee* | *Assembly Conference Committee* |

Senator Cancela moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 151.

Remarks by Senator Kieckhefer.

I have to rise in opposition of the Conference Committee Report on Senate Bill No. 151. I have concerns about the fact we are adopting previsions of a bill that were stripped out of another piece of legislation by this Body before it was moved on, and inserting them here. I also have concerns that the impact of the provisions being added are specifically harmful to small landlords who may have one or two properties and do not have the capacity to float funding for an extended period of time.

Senators Settelmeyer, Hardy and Goicoechea requested a roll call vote on Senator Cancela's motion.

Roll call on Senator Cancela's motion:

YEAS—11.

NAYS—Cannizzaro, Dondero Loop, Goicoechea, Hammond, Hansen, Hardy, Kieckhefer, Pickard, Seevers Gansert, Settelmeyer—10.

Motion carried by a constitutional majority.

*Madam President:*

The Conference Committee concerning Senate Bill No. 480, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 824 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

Conference Amendment No. 4.

SUMMARY—Revises provisions relating to ~~[the number of justices of the peace in each township.]~~ courts. (BDR 1-978)

AN ACT relating to courts; revising provisions relating to the transaction of business by justice and municipal courts; revising provisions governing the jurisdiction of certain justice courts; revising provisions relating to the number of justices of the peace in each township; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that no court, except a justice court or a municipal court, may be opened or transact business on a Sunday or any day declared to be a legal holiday, except for certain purposes. (NRS 1.130) Section 1 of this bill authorizes such courts to be open to receive communications by telephone and for the issuance of an ex parte order for protection against high-risk behavior.

Existing law sets forth a schedule for determining how many elected justices of the peace a township is required to have based upon the population of the township. If the schedule requires an additional justice of the peace due to an increased population of the township, existing law provides that if a majority of the justices of the peace in the township submit to the Legislature and the board of county commissioners an opinion stating that the caseload of the court does not warrant an additional judge, the number of justices of the peace in that township is prohibited from

being increased while the Legislature considers the opinion. (NRS 4.020) Section ~~[1]~~ 2 of this bill revises this process by requiring the justices of the peace to consult with the board of county commissioners in reaching an opinion as to whether the caseload of the court warrants an additional judge.

Existing law establishes the jurisdiction of justice courts. (NRS 4.370) Section 3 of this bill extends the jurisdiction of justice courts, under certain circumstances, to include any action for the issuance of an ex parte or extended order for protection against high-risk behavior.

Section 12 of Assembly Bill No. 291 of this session requires a court to issue an ex parte order pursuant to a verified application if the court finds by a preponderance of the evidence that: (1) a person poses an imminent risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm; (2) the person has engaged in high-risk behavior; and (3) less restrictive options have been exhausted or are not effective. Section 4 of this bill makes a technical correction.

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

*Section 1.* NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive communications by telephone and for the issuance of ~~[a]~~ :

*(1) A* temporary order pursuant to subsection 7 of NRS 33.020 ~~[.]~~ *; or*

*(2) An ex parte order for protection against high-risk behavior pursuant to section 12 of Assembly Bill No. 291 of this session.*

(e) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

~~[Section 1.]~~ *Sec. 2.* NRS 4.020 is hereby amended to read as follows:

4.020 1. There must be one justice court in each of the townships of the State, for which there must be elected by the qualified electors of the township at least one justice of the peace. Except as otherwise provided in subsection 3, the number of justices of the peace in a township must be increased according to the population of the township, as certified by the Governor in even-numbered years pursuant to NRS 360.285, in accordance with and not to exceed the following schedule:

(a) In a county whose population is 700,000 or more:

(1) In a township whose population is less than 1,100,000, one justice of the peace for each 100,000 population of the township, or fraction thereof, until the township has four justices of the peace, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 300,000; and

(2) In a township whose population is 1,100,000 or more, one justice of the peace for each 100,000 population of the township, or fraction thereof, up to a population of 1,100,000, and thereafter, one justice of the peace for each 125,000 population of the township, or fraction thereof, over a population of 1,100,000.

(b) In a county whose population is 100,000 or more and less than 700,000, one justice of the peace for each 50,000 population of the township, or fraction thereof.

(c) In a county whose population is less than 100,000, one justice of the peace for each ~~[34,000]~~ *50,000* population of the township, or fraction thereof.

(d) If a township includes a city created by the consolidation of a city and county into one municipal government, one justice of the peace for each 30,000 population of the township, or fraction thereof.

2. Except as otherwise provided in subsection 3, if the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township, the new justice or justices of the peace must be elected at the next ensuing biennial election.

3. If the schedule set forth in subsection 1 provides for an increase in the number of justices of the peace in a township and ~~[, in the opinion of]~~ a majority of the justices of the peace in that township, *in consultation with the board of county commissioners, determine that* the caseload does not warrant an additional justice of the peace, the justices of the peace shall notify the Director of the Legislative Counsel Bureau and the board of county commissioners of their opinion on or before March 15 of the even-numbered year in which the population of the township provides for such an increase. The Director of the Legislative Counsel Bureau shall submit the opinion to the next regular session of the Legislature for its consideration. If the justices of the peace transmit such a notice to the Director of the Legislative Counsel Bureau and the board of county commissioners, the number of justices must not be increased during that period unless the Legislature, by resolution, expressly approves the increase.

4. Justices of the peace shall receive certificates of election from the boards of county commissioners of their respective counties.

5. The clerk of the board of county commissioners shall, within 10 days after the election or appointment and qualification of any justice of the peace, certify under seal to the Secretary of State the election or appointment and qualification of the justice of the peace. The certificate must be filed in the Office of the Secretary of State as evidence of the official character of that officer.

*Sec. 3.* NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence ~~[.]~~ *pursuant to NRS 33.020.* A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) *Except as otherwise provided in this paragraph, in any action for the issuance of an ex parte or extended order for protection against high-risk behavior pursuant to section 12 or 13 of Assembly Bill No. 291 of this session. A justice court does not have jurisdiction in an action for the issuance of an ex parte or extended order for protection against high-risk behavior:*

*(1) In a county whose population is 100,000 or more but less than 700,000;*

*(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or*

*(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.*

*(o)* In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

~~[(o)]~~ *(p)* In small claims actions under the provisions of chapter 73 of NRS.

~~[(p)]~~ *(q)* In actions to contest the validity of liens on mobile homes or manufactured homes.

~~[(q)]~~ *(r)* In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

~~[(r)]~~ *(s)* In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

~~[(s)]~~ *(t)* In actions transferred from the district court pursuant to NRS 3.221.

~~[(t)]~~ *(u)* In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

~~[(u)]~~ *(v)* In any action seeking an order pursuant to NRS 441A.195.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

*Sec. 4.* Section 12 of Assembly Bill No. 291 of this session is hereby amended to read as follows:

Sec. 12. 1. The court shall issue an ex parte order if the court finds by a preponderance of the evidence from facts shown by a verified application filed pursuant to section 11 of this act:

(a) That a person poses an imminent risk of causing personal injury to himself or herself or another person by possessing or having under his or her custody or control or by purchasing or otherwise acquiring any firearm;

(b) The person engaged in high-risk behavior; and

(c) Less restrictive options have been exhausted or are not effective.

2. The court may require the person who filed the verified application or the adverse party, or both, to appear before the court before determining whether to issue an ex parte order.

3. An ex parte order may be issued with or without notice to the adverse party.

4. Except as otherwise provided in this subsection, a hearing must not be held by telephone. The court shall hold a hearing on the ex parte order and shall issue or deny the ex parte order on the day the verified application is filed or the judicial day immediately following the day the verified application is filed. If the verified application is filed by a law enforcement officer, the court may hold the hearing on the ex parte order by telephone, which must be recorded in the presence of the magistrate or in the immediate vicinity of the magistrate by a certified court reporter or by electronic means. Any such recording must be transcribed, certified by the reporter if the reporter made the recording and certified by the magistrate. The certified transcript must be filed with the clerk of the court.

5. ~~[A hearing on an application for an ex parte order must be held within 7 calendar days after the date on which the verified application for the order is filed.~~

~~6.]~~ In a county whose population is 100,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an ex parte order pursuant to subsection 4.

~~[7.]~~ *6.* In a county whose population is less than 100,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an ex parte order pursuant to subsection 4.

~~[8.]~~ *7.* The clerk of the court shall inform the applicant and the adverse party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

*Sec. 5.* 1. This section and section 2 of this act become effective on October 1, 2019.

2. Sections 1, 3 and 4 of this act become effective on January 1, 2020, if, and only if, Assembly Bill No. 291 of this session becomes effective.

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| NICOLE CANNIZZARO | STEVE YEAGER |
| MELANIE SCHEIBLE | SHEA BACKUS |
| PETE GOICOECHEA | TOM ROBERTS |
| *Senate Conference Committee* | *Assembly Conference Committee* |

Senator Cannizzaro moved that the Senate adopt the report of the Conference Committee concerning Senate Bill No. 480.

Remarks by Senator Cannizzaro.

The Conference Committee Report for Senate Bill No. 480 adopts Amendment No. 824 from the Assembly, and we are concurring in that Amendment. We have also made additional changes regarding the jurisdiction for extreme risk protection orders.

Motion carried by a constitutional majority.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 3, 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. 3, 44, 80, 93, 162, 202, 216, 245, 293, 332, 402, 425, 544, 547, 548.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted Assembly Concurrent Resolutions Nos. 10, 11.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 1051 to Assembly Bill No. 77; Senate Amendment No. 1050 to Assembly Bill No. 319; Senate Amendment No. 792 to Assembly Bill No. 443; Senate Amendment No. 1084 to Assembly Bill No. 444; Senate Amendment No. 1069 to Assembly Bill No. 489.

CAROL AIELLO-SALA
*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Assembly Bills Nos. 19, 43, 80, 84, 104, 196, 224, 250, 322, 326, 338, 482, 486, 487, 495 be immediately transmitted to the Assembly.

Motion carried.

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

Motion carried.

Senate in recess at 8:07 p.m.

## SENATE IN SESSION

At 8:51 p.m.

President Marshall presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 10—Amending the Joint Standing Rules of the Senate and Assembly for the 80th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That Rule No. 20.5 of the Joint Standing Rules of the Senate and Assembly as adopted by the 80th Session of the Legislature is hereby amended to read as follows:

Rule No. 20.5. Lobbyists to Maintain Appropriate Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. A lobbyist shall not engage in any conduct with a Legislator or any other person working in the Legislature which is prohibited by a Legislator under Rule No. 20. Each lobbyist is responsible to conduct himself or herself in a manner which will ensure that others who work in the Legislature are able to work in an environment free from sexual harassment and other unlawful harassment.

2. Each lobbyist must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment as described in Rule No. 20.

3. A lobbyist who encounters conduct that he or she believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) ~~[The Speaker of the Assembly;~~

~~(b) The Majority Leader of the Senate;~~

~~(c)]~~ The Director of the Legislative Counsel Bureau; or

~~[(d)]~~ *(b)* The reporting system established pursuant to subsection 11 of Rule No. 20.

➥ Such a complaint must include the details of the incident or incidents alleged, the names of the persons involved and the names of any witnesses. Unless the Legislative Counsel is the subject of the complaint, the Legislative Counsel must be informed upon receipt of a complaint.

4. If a person encounters conduct by a lobbyist which he or she believes is sexual

harassment, or other unlawful harassment, retaliation or otherwise inconsistent with this policy, the person may file a complaint in the manner listed in subsection 3, or may submit a complaint in accordance with the reporting system established pursuant to subsection 11 of Rule No. 20.

5. If a complaint made against a lobbyist pursuant to this Rule is substantiated, appropriate disciplinary action may be brought against the lobbyist which may include, without limitation, having his or her registration as a lobbyist suspended.

6. *The provisions of this policy are not intended to address conduct between lobbyists and must not be used for that purpose.* This policy does not create any private right of action or enforceable legal rights in any person

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senator Cannizzaro.

Assembly Concurrent Resolution No. 10 amends the Joint Standing Rules of the Senate and the Assembly for the 80th Session by removing the Speaker of the Assembly and the Majority Leader of the Senate as persons with whom a lobbyist may file a written complaint of sexual harassment, other unlawful harassment or retaliation. Lobbyists may continue to file such complaints with the Director of the Legislative Counsel Bureau or through the Legislature's complaint reporting system. Finally, Assembly Concurrent Resolution No. 10 clarifies that provisions in Joint Standing Rule No. 20.5 are not intended to address conduct between lobbyists and must not be used for that purpose.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution No. 11—Granting administrative leave to legislative employees in recognition of their service to the 80th Session of the Nevada Legislature.

Senator Cannizzaro moved the adoption of the resolution.

Remarks by Senators Cannizzaro and Settelmeyer.

SENATOR CANNIZZARO:

Assembly Concurrent Resolution No. 11 grants three days of administrative leave to each permanent employee of the Legislature and Legislative Counsel Bureau (LCB) who is employed on the last day of the 2019 Legislative Session. Three administrative leave days are also granted to each temporary employee of the Legislature and LCB who is employed on the last day of Session and, if requested to do, remains in that employment after that last day of Session to complete assigned tasks.

I am proud to stand in support of Assembly Concurrent Resolution No. 11. For as many times as some of us have thought individually we have had brilliant moments or wonderful things to say, we would be nothing without the amazing people who surround us and support us each and every day to ensure we have the right things to say on the Floor; to ensure we know how the law works, and to ensure we know how this Body operates. I can guarantee you I would not be able to do this job without each and every person with whom I interact on an everyday basis to keep this place moving in one of the most professional ways I have seen. I am eternally grateful for every one of them. I wanted to take a moment to say thank you and urge my colleagues support of those who support us.

SENATOR SETTELMEYER:

I rise in full support of Assembly Concurrent Resolution No. 11. I could not agree more. My only thought is that we are only giving them three paid days; they may need that much sleep just to recover from these activities. They are beyond wonderful. They put up with us, tolerate us and help us out. They are the ones who make the State look good.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 319.

The following Assembly amendment was read:

Amendment No. 1088.

SUMMARY—Revises provisions relating to education. (BDR 34-1063)

AN ACT relating to education; defining "school counselor," "school psychologist" and "school social worker" for certain purposes; establishing the duties of a school counselor, psychologist and social worker; ~~[requiring certain school counselors, psychologists, social workers, audiologists, occupational therapists and physical therapists to receive an additional 5 percent of the base salary each year;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing of social workers. (Chapter 641B of NRS) Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing educational personnel. (NRS 391.019) Section 1 of this bill defines school counselor, school psychologist and school social worker, respectively, for the school environment. Sections 3-5 of this bill establish the duties of a school counselor, psychologist and social worker, respectively, employed by a school district. Section 1.5 of this bill requires a public school, to the extent that money is available, to employ a school counselor on a full-time basis and provide for a comprehensive school counseling program.

~~[ Existing law requires an annual 5 percent salary increase for teachers, speech language pathologists and school library media specialists who hold certain national certifications. (NRS 391.161-391.163) Section 6 of this bill requires an additional 5 percent to be added to the base salary of a counselor, psychologist or social worker who holds a national certification unless an applicable collective bargaining agreement provides for a greater increase. Section 6.5 of this bill requires an additional 5 percent to be added to the base salary of an audiologist, occupational therapist or physical therapist who holds a national certification unless an applicable collective bargaining agreement provides for a greater increase.~~

~~— Section 7 of this bill makes a conforming change.]~~

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

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Achievement charter school" means a public school operated by a charter management organization, as defined in NRS 388B.020, an educational management organization, as defined in NRS 388B.030, or other person pursuant to a contract with the Achievement School District pursuant to NRS 388B.210 and subject to the provisions of chapter 388B of NRS.

2. "Department" means the Department of Education.

3. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

4. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070, but does not include an opt-in child.

5. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.

6. "Opt-in child" means a child for whom an education savings account has been established pursuant to NRS 353B.850, who is not enrolled full-time in a public or private school and who receives all or a portion of his or her instruction from a participating entity, as defined in NRS 353B.750.

7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. *"School counselor" or "counselor" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school counselor issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school counselor.*

*10. "School psychologist" or "psychologist" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school psychologist issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school psychologist.*

*11. "School social worker" or "social worker" means a social worker licensed pursuant to chapter 641B of NRS who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school social worker issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school social worker.*

*12.* "State Board" means the State Board of Education.

~~[10.]~~ *13.* "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 1.5. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

*Each public school, including, without limitation, each charter school, shall, to the extent that money is available for that purpose:*

*1. Employ a school counselor at the school on a full-time basis.*

*2. Provide for a comprehensive program for school counseling developed by a school counselor pursuant to section 3 of this act.*

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6.5, inclusive, of this act.

Sec. 3. *1. A school counselor shall:*

*(a) Design and deliver a comprehensive program for school counseling that promotes achievement of pupils; and*

*(b) Devote not less than 80 percent of his or her time providing direct or indirect services to pupils.*

*2. A school counselor may, through consultation or collaboration with other educational personnel or by providing direct services:*

*(a) Analyze data concerning the academic, career, social and emotional development of pupils to identify issues, needs and challenges of pupils;*

*(b) Address needs relating to the academic, career, social and emotional development of all pupils;*

*(c) Advocate for equitable access to a rigorous education for all pupils and work to remove systemic barriers to such access;*

*(d) Deliver school counseling lessons through large-group, classroom, small-group and individual settings to promote pupil success;*

*(e) Provide to individual pupils services relating to academic planning and goal setting;*

*(f) Provide peer facilitation, crisis counseling and short-term counseling to pupils in individual and small-group settings;*

*(g) Provide referrals to a pupil and the parent or legal guardian of a pupil, as needed, for additional support services provided by the school or within the community;*

*(h) Participate on committees within the school and the school district, as appropriate; and*

*(i) Participate in planning for and implementing a response to a crisis at the school.*

*3. Each school counselor must be supervised by a licensed administrator.*

Sec. 4. *1. A school psychologist may, through consultation or collaboration with other educational personnel or by providing direct services:*

*(a) Deliver mental and behavioral health services to pupils in a school;*

*(b) Collaborate with the school, community and parents or legal guardians of pupils to promote a safe and supportive learning environment;*

*(c) Provide preventative, intervention and postintervention services through integrated systems of support;*

*(d) Collect and analyze data on the mental and behavioral health of pupils;*

*(e) Administer applicable assessments to pupils;*

*(f) Monitor the progress of the academic, mental and behavioral health of pupils;*

*(g) Assist with the development and implementation of school-wide practices to promote learning;*

*(h) Analyze resilience and risk factors of pupils;*

*(i) Provide instructional support to other educational personnel;*

*(j) Evaluate and make recommendations for the improvement of special education services;*

*(k) Promote diversity in development and learning;*

*(l) Conduct research and evaluate programs related to the mental and behavioral health of pupils; and*

*(m) Participate in planning for and implementing a response to a crisis at the school.*

*2. In a school district in which more than 50,000 pupils were enrolled during the preceding school year, each school psychologist must be supervised by a psychologist licensed pursuant to chapter 391 of NRS who is a licensed administrator.*

*3. In a school district in which not more than 50,000 pupils were enrolled during the preceding school year, each school psychologist must be supervised by a licensed administrator.*

Sec. 5. *1. A school social worker may, through consultation or collaboration with other educational personnel or by providing direct services:*

*(a) Act as a liaison between the home, school and community;*

*(b) Provide therapy, counseling and support services for pupils and the families of pupils;*

*(c) Provide individual and small-group therapy, counseling and support services;*

*(d) Provide mediation services;*

*(e) Advocate for the academic, social and emotional success of pupils;*

*(f) Assist other educational personnel with case management;*

*(g) Write applications for grants, as necessary;*

*(h) Assist other educational personnel, including, without limitation, a school psychologist, with developing a plan for providing prevention and intervention services to pupils;*

*(i) Administer biopsychosocial assessments to pupils, as necessary;*

*(j) Support the learning of pupils;*

*(k) Provide services for professional development of staff;*

*(l) Provide support and consultation to the school, the pupils and the parents or legal guardians of pupils at the school regarding, without limitation, education law and services related to special education;*

*(m) Provide strengths-based assessments for the school, the pupils and the parents or legal guardians of pupils at the school;*

*(n) Assist parents or legal guardians with problem solving;*

*(o) Assist pupils with developing social skills;*

*(p) Provide referrals to pupils and parents or legal guardians of pupils for education services; and*

*(q) Participate in planning for and implementing a response to a crisis at the school.*

*2. Each school social worker must be supervised by a licensed administrator.*

Sec. 6. ~~[1. Except as otherwise provided in subsection 2, each year when determining the salary of a person who is employed by a school district as a school counselor, psychologist or social worker, the school district shall add 5 percent to the salary that the person would otherwise receive in 1 year for the person's classification on the schedule of salaries of the school district if:~~

~~(a) On or before September 15 of the school year, the person has submitted evidence satisfactory to the school district of the current certification of the person:~~

~~(1) As a school counselor by the National Board for Professional Teaching Standards or its successor organization;~~

~~(2) As a national certified school counselor by the National Board for Certified Counselors or its successor organization;~~

~~(3) As a nationally certified school psychologist by the National Association of School Psychologists or its successor organization;~~

~~(4) As a school psychologist by the American Board of School Psychology or its successor organization; or~~

~~(5) As a certified school social work specialist by the National Association of Social Workers or its successor organization; and~~

~~(b) The person is assigned by the school district to serve as a school counselor, psychologist or social worker, as applicable, during that school year.~~

~~2. No increase in salary may be given pursuant to this section during a particular school year to a person who submits evidence of certification after September 15 of that school year. Once a person has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this section is in addition to any other increase to which the person may otherwise be entitled.~~

~~3. If an applicable collective bargaining agreement provides for a greater increase to the salary of a person who satisfies the requirements of paragraphs (a) and (b) of subsection 1 than the increase in salary provided by subsection 1, the provisions of the collective bargaining agreement prevail.]~~
(Deleted by amendment.)

Sec. 6.5. ~~[1. Except as otherwise provided in subsection 2, each year when determining the salary of a person who is employed by a school district as an audiologist, occupational therapist or physical therapist, the school district shall add 5 percent to the salary that the person would otherwise receive in 1 year for the person's classification on the schedule of salaries of the school district if:~~

~~(a) On or before September 15 of the school year, the person has submitted evidence satisfactory to the school district of the current certification of the person:~~

~~(1) As a nationally certified audiologist;~~

~~(2) As a nationally certified occupational therapist; or~~

~~*(3) As a nationally certified physical therapist; and*~~

~~*(b) The person is assigned by the school district to serve as an audiologist, occupational therapist or physical therapist, as applicable, during that school year.*~~

~~*No increase in salary may be given pursuant to this section during a particular school year to a person who submits evidence of certification after September 15 of that school year. Once a person has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this section is in addition to any other increase to which the person may otherwise be entitled.*~~

~~*2. If an applicable collective bargaining agreement provides for a greater increase to the salary of a person who satisfies the requirements of paragraphs (a) and (b) of subsection 1 than the increase in salary provided by subsection 1, the provisions of the collective bargaining agreement prevail.]*~~

(Deleted by amendment.)

Sec. 7. ~~[NRS 391.160 is hereby amended to read as follows:~~

~~391.160 The salaries of teachers and other employees must be determined by the character of the service required as described in NRS 391.161 to 391.169, inclusive [.] *, and sections 6 and 6.5 of this act.* A school district shall not discriminate between male and female employees in the matter of salary.]~~

(Deleted by amendment.)

Sec. 8. This act becomes effective on July 1, 2019.

Senator Denis moved that the Senate concur in Assembly Amendment No. 1088 to Senate Bill No. 319.

Remarks by Senator Denis.

Amendment No. 1088 to Senate Bill No. 319 removes provisions requiring a 5-percent increase in the base salary of an audiologist, occupational therapist, physical therapist, psychologist, school counselor and social worker who presents satisfactory evidence of national certification.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 408.

The following Assembly amendment was read:

Amendment No. 1061.

SUMMARY—Revises provisions relating to public safety. (BDR 43-805)

AN ACT relating to public safety; revising provisions relating to motorcycles, trimobiles and mopeds; revising provisions relating to the duties of a pedestrian at certain intersections; providing provisions governing the operation of a mobile carrying device on sidewalks and in crosswalks; revising provisions relating to the imposition by a court of the requirement to install an ignition interlock device for certain convictions; requiring the driver and passenger on a trimobile or a moped to wear protective headgear; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 6 of this bill clarify that, for the purposes of vehicle registration and traffic laws, a vehicle designed to travel with three wheels in contact with the ground must be equipped with handlebars and a saddle seat to meet the definition of "trimobile." (NRS 482.129, 486.057)

Existing law provides pedestrians on or near a highway of this State with certain rights and imposes certain duties. (NRS 484B.280-484B.297) Section 2.7 of this bill authorizes the movement of a mobile carrying device on sidewalks and in crosswalks and provides that such a device generally has the rights and duties of a pedestrian. Such a device must have an operator who is actively monitoring the navigation and movement of the device, and the operator must ensure that the device does not: (1) fail to comply with traffic control signals or devices; (2) unreasonably interfere with pedestrians or vehicle traffic; (3) transport hazardous material or a person; and (4) fail to yield to pedestrians on a sidewalk or in a crosswalk. A violation of the provisions governing the operation of a mobile carrying device is not a misdemeanor , ~~[but]~~ is not a moving traffic violation for the purposes of NRS 483.473 ~~[.]~~ and is punishable by a civil penalty of $250. Section 2.5 defines a mobile carrying device generally as an electrically powered wheeled device that is intended primarily to transport personal property. Sections 1.5 and 2.9 of this bill make conforming changes. Sections 11 and 12 of this bill authorize the governing body of a county or a city, respectively, to enact an ordinance regulating the time, place and manner of the operation of a mobile carrying device to protect the health and safety of the public, except that such an ordinance may not prohibit the use of such a device on sidewalks that are at least 36 inches wide.

Existing law requires a person driving a motorcycle, other than a trimobile or a moped, to wear protective headgear. (NRS 486.231) Section 8 of this bill requires a driver or a passenger on a trimobile or a moped to wear protective headgear.

Existing law requires the Department of Motor Vehicles to establish the Program for the Education of Motorcycle Riders, which provides courses in motorcycle safety. (NRS 486.372, 486.374) Certain persons in this State who hold a motorcycle driver's license or a driver's license with a motorcycle endorsement are eligible to enroll in the Program. (NRS 486.373) Section 9 of this bill authorizes the Program to include instruction applicable to a trimobile or a moped and section 10 of this bill makes a person who holds a driver's license eligible to enroll in the Program.

Existing law provides requirements for pedestrians crossing a highway of this State when certain signals are in place exhibiting the words "Walk," "Wait" or "Don't Walk." (NRS 484B.283) Section 3 of this bill clarifies that, when a countdown timer is included with such signals, a pedestrian may cross a roadway when such a signal is flashing, so long as the pedestrian completes the crossing before the countdown timer reaches zero. Section 3 also revises references to include certain symbols displayed on such signals, including a walking person symbol and an upraised hand symbol.

Under existing law a court must order a person who is convicted of certain offenses involving driving a motor vehicle while under the influence of intoxicating liquor, a controlled substance or a combination of both, to install an ignition interlock device. (NRS 484C.460) The interlock ignition device must be installed for a period of not less than 185 days unless: (1) the violation was punishable as a felony or vehicular homicide; (2) the person proximately caused the death of or substantial bodily injury to another; or (3) the person was found to have had a concentration of alcohol of 0.18 or more in his or her breath. If any of those conditions are present the interlock ignition device must be installed for a period of not less than 12 months or more than 36 months. Section 4 of this bill clarifies that such a person is only required to install the ignition interlock device for the longer time period if one of the conditions listed above is present. The result of the change is that regardless of whether or not a blood or breath test was administered, or whether the results or lack of results was used in the prosecution or defense of the person, so long as none of the conditions listed above are present, he or she is eligible for the shorter period of required use of an ignition interlock device, which section 4 requires to be 185 days.

Existing law provides several exceptions to the requirement for installing an ignition interlock device upon a conviction if a court makes certain determinations. (NRS 484C.460) Section 4 eliminates from the list of exceptions a determination by the court that: (1) requiring the person to install a device would cause the person to experience an economic hardship; (2) the person requires the use of the motor vehicle to travel to and from work in the scope of his or her employment; or (3) the person requires the use of the motor vehicle to obtain medicine, food or other necessities or to obtain health care services for the person or a family member of the person.

Finally, existing law requires the manufacturer of an ignition interlock device or an agent of the manufacturer to notify the Director of the Department if the device has been tampered with. (NRS 484C.460) Existing law also requires the Director, or the Director of the Department of Public Safety, to notify a court that has ordered an ignition interlock device if certain irregularities occurred with the device. (NRS 484C.460, 484C.470) Sections 4 and 5 of this bill require the manufacturer of the device or its agent to also notify the court in such circumstances.

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

Section 1. NRS 482.129 is hereby amended to read as follows:

482.129 "Trimobile" means every motor vehicle *equipped with handlebars and a saddle seat and* designed to travel with three wheels in contact with the ground, at least one of which is power driven. The term does not include a motorcycle with a sidecar.

Sec. 1.5. NRS 482.135 is hereby amended to read as follows:

482.135 Except as otherwise provided in NRS 482.36348, "vehicle" means every device in, upon or by which any person or property is or may be

transported or drawn upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;

2. Mobile homes or commercial coaches as defined in chapter 489 of NRS; ~~[or]~~

3. Electric personal assistive mobility devices ~~[.]~~ *; or*

*4. A mobile carrying device as that term is defined in section 2.5 of this act.*

Sec. 2. (Deleted by amendment.)

Sec. 2.3. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.5 and 2.7 of this act.

Sec. 2.5. *"Mobile carrying device" means an electrically powered wheeled device that:*

*1. Is designed to operate semi-autonomously not more than 25 feet from its operator;*

*2. Is equipped with technology that allows for active monitoring of the operation of the device by the operator;*

*3. Is intended primarily to transport personal property on sidewalks and crosswalks;*

*4. Weighs less than 90 pounds when empty; and*

*5. Has a maximum speed of 12.5 miles per hour.*

Sec. 2.7. *1. ~~[A]~~ Except as otherwise provided in section 11 or 12 of this act, a mobile carrying device may be operated on a sidewalk or crosswalk provided that:*

*(a) The operator of the mobile carrying device is actively monitoring the navigation and movement of the mobile carrying device;*

*(b) The mobile carrying device is equipped with a braking device that enables the mobile carrying device to come to a controlled stop; and*

*(c) The mobile carrying device is operated in accordance with any requirements imposed by this section.*

*2. The operator of a mobile carrying device may not allow a mobile carrying device to:*

*(a) Operate on the highways of this State except when crossing within a crosswalk;*

*(b) Fail to comply with any traffic-control signal or devices that a pedestrian is obligated to comply with;*

*(c) Unreasonably interfere with pedestrians or vehicle traffic;*

*(d) Transport hazardous material as that term is defined in NRS 459.7024; or*

*(e) Transport a person.*

*3. A mobile carrying device has all the rights and duties of a pedestrian except those which by their nature can have no application, except that the operator of a mobile carrying device must ensure that the mobile carrying device yields the right of way to a pedestrian on a sidewalk or in a crosswalk.*

*4. A violation of this section ~~[is]~~ :*

*(a) Is not a misdemeanor ~~[and shall]~~ ;*

*(b) Shall not be deemed a moving traffic violation ~~[.]~~ ; and*

*(c) Is punishable by the imposition of a civil penalty of $250.*

Sec. 2.9. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, *and section 2.5 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 484B.283 is hereby amended to read as follows:

484B.283 1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control devices are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling ~~[,]~~ *or onto which the vehicle is turning,* or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

(b) A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

(d) Whenever signals exhibiting the words "Walk ," ~~[" or]~~ "Don't Walk ," ~~["]~~ *"Wait" or similar symbols* are in place, such signals indicate as follows:

(1) While the "Walk" indication *or walking person symbol* is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the "Don't Walk" *or "Wait"* indication *or an upraised hand symbol* is illuminated, ~~[either steady or]~~ *is* flashing ~~[,]~~ *and is accompanied by a countdown timer,* a pedestrian ~~[shall not start to cross]~~ *may proceed across* the highway in the direction of the signal, but ~~[any pedestrian who has partially completed]~~ *must complete* the crossing ~~[during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.~~

~~(3) Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.~~

~~(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic control devices direct~~

~~pedestrian movement in the manner provided in this section and in NRS 484B.307.]~~ *before the countdown timer gets to zero.*

*(3) While the "Don't Walk" or "Wait" indication or an upraised hand symbol is illuminated and flashing but is not accompanied by a countdown timer, a pedestrian may not proceed to cross the highway, but a pedestrian who entered the highway lawfully pursuant to subparagraph (1) may continue to cross the highway but must proceed to a curb, sidewalk, safety zone if one is provided or other place of safety before the "Don't Walk" or "Wait" indication or an upraised hand symbol is illuminated and steady.*

*(4) While the "Don't Walk" or "Wait" indication or an upraised hand symbol is illuminated and steady a pedestrian may not proceed to cross the highway, but a pedestrian who entered the highway lawfully pursuant to subparagraph (1) or (2) may continue to cross the highway but must proceed to a curb, sidewalk, safety zone if one is provided or other place of safety as soon as possible.*

2. If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.135.

*4. As used in this section, "half of the highway" means all traffic lanes of a highway which are designated for traffic traveling in one direction, and includes the entire highway in the case of a one-way highway.*

Sec. 4. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court shall order a person convicted of:

(a) ~~[A]~~ *Except as otherwise provided in paragraph (b), a* violation of *paragraph (a), (b) or (c) of subsection 1 or paragraph (b) of subsection 2 of* NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, ~~[if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath,]~~ to install, at his or her own expense and for a period of 185 days, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) A violation of:

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) NRS 484C.130 or 484C.430,

➥ to install, at his or her own expense and for a period of not less than 12 months or more than 36 months, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to

NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may, in the interests of justice, provide for an exception to the provisions of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, ~~[to avoid undue hardship to the person]~~ if the court determines that:

(a) ~~[Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship;~~

~~(b) The person requires the use of the motor vehicle to:~~

~~(1) Travel to and from work or in the course and scope of his or her employment; or~~

~~(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family;~~

~~(c)]~~ The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician of the person; or

~~[(d)]~~ *(b)* The person resides more than 100 miles from a manufacturer of a device or its agent.

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section or NRS 483.490 shall have the device inspected, calibrated, monitored and maintained by the manufacturer of the device or its agent at least one time each 90 days during the period in which the person is required to use the device to determine whether the device is operating properly. Any inspection, calibration, monitoring or maintenance required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly, whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether the device has been tampered with. If the device has been tampered with, the Director *and the manufacturer or its agent* shall notify the court that ordered the installation of the device. Upon receipt of such notification and before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470,

the court shall afford any interested party an opportunity for a hearing after reasonable notice.

5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his or her employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➥ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have a device installed pursuant to this section commences when the Department issues a restricted license to the person or reinstates the driving privilege of the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 5. NRS 484C.470 is hereby amended to read as follows:

484C.470 1. The court may extend the order of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460, not to exceed one-half of the period during which the person is required to have a device installed, if the court receives from the Director of the Department of Public Safety *or the manufacturer of the device or its agent* a report that 4 consecutive months prior to the date of release any of the following incidents occurred:

(a) Any attempt by the person to start the vehicle with a concentration of alcohol of 0.04 or more in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure of the person to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the person at the time of the missed test;

(c) Failure of the person to pass any random retest with a concentration of alcohol of 0.025 or lower in his or her breath unless a subsequent test performed within 10 minutes registers a concentration of alcohol lower than 0.025, and the digital image confirms the same person provided both samples;

(d) Failure of the person to have the device inspected, calibrated, monitored and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS 484C.460; or

(e) Any attempt by the person to operate a motor vehicle without a device or tamper with the device.

2. A person required to install a device pursuant to NRS 484C.210 or 484C.460 shall not operate a motor vehicle without a device or tamper with the device.

3. A person who violates any provision of subsection 2:

(a) Must have his or her driving privilege revoked in the manner set forth in subsection 4 of NRS 483.460; and

(b) Shall be:

(1) Punished by imprisonment in jail for not less than 30 days nor more than 6 months; or

(2) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than $500 nor more than $1,000.

➥ No person who is punished pursuant to this section may be granted probation, and no sentence imposed for such a violation may be suspended. No prosecutor may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless, in the judgment of the attorney, the charge is not supported by probable cause or cannot be proved at trial.

Sec. 6. NRS 486.057 is hereby amended to read as follows:

486.057 "Trimobile" means every motor vehicle *equipped with handlebars and a saddle seat and* designed to travel with three wheels in contact with the ground, at least one of which is power driven. The term does not include a motorcycle with a sidecar.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 486.231 is hereby amended to read as follows:

486.231 1. The Department shall adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles and transparent windscreens for motorcycles.

2. Except as *otherwise* provided in this section, when any motorcycle ~~[, except a trimobile]~~ or moped ~~[,]~~ is being driven on a highway, the driver and passenger shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields meeting those standards. ~~[Drivers and passengers of trimobiles shall wear protective glasses, goggles or face shields which meet those standards.]~~

3. When a motorcycle or a ~~[trimobile]~~ *moped* is equipped with a transparent windscreen meeting those standards, the driver and passenger are not required to wear glasses, goggles or face shields.

4. When a motorcycle *or moped* is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.

5. When a three-wheel ~~[motorcycle]~~ *vehicle, except a trimobile,* on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

Sec. 9. NRS 486.370 is hereby amended to read as follows:

486.370 "Motorcycle" ~~[does not include a trimobile.]~~ *includes a moped.*

Sec. 10. NRS 486.373 is hereby amended to read as follows:

486.373 1. A resident of this State who holds a *driver's license, a* motorcycle driver's license or a motorcycle endorsement to a driver's license or who is eligible to apply for such a license or endorsement, or a nonresident who is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard and who is stationed at a military installation located in Nevada, may enroll in the Program.

2. The Director shall establish a fee of not more than $150 for the Program.

*Sec. 11.* Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, the board of commissioners of each county in this State may, to protect the health and safety of the public, enact an ordinance which regulates the time, place and manner of the operation of a mobile carrying device in the unincorporated areas of the county, including, without limitation, by prohibiting the use of a mobile carrying device in a specified area of the county.*

*2. A board of county commissioners, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the county that is more than 36 inches wide.*

*3. As used in this section, "mobile carrying device" has the meaning ascribed to it in section 2.5 of this act.*

*Sec. 12.* Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, the city council or other governing body of each incorporated city in this State, whether or not organized under general law or special charter, may, to protect the health and safety of the public, enact an ordinance which regulates the time, place and manner of the operation of a mobile carrying device in the city, including, without limitation, by prohibiting the use of a mobile carrying device in a specified area of the city.*

*2. A city council or governing body, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the city that is more than 36 inches wide.*

*3. As used in this section, "mobile carrying device" has the meaning ascribed to it in section 2.5 of this act.*

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1061 to Senate Bill No. 408.

Remarks by Senator Woodhouse.

I think it is a great amendment.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 508.

The following Assembly amendment was read:

Amendment No. 1104.

SUMMARY—Makes ~~[an appropriation]~~ appropriations to the State Department of Conservation and Natural Resources for the replacement of information technology infrastructure ~~[.]~~ and to the Interim Finance Committee for allocation to the Department for wildfire prevention, restoration and long-term planning. (BDR S-1178)

AN ACT making an appropriation to the State Department of Conservation and Natural Resources for the replacement of information technology infrastructure ~~[.]~~ and making an appropriation to the Interim Finance Committee for allocation to the Department for wildfire prevention, restoration and long-term planning; 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 State Department of Conservation and Natural Resources, Administration, the sum of $205,183 for the replacement of information technology infrastructure.

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

*Sec. 2.3.* There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the State Department of Conservation and Natural Resources the sum of $5,000,000 for wildfire prevention, restoration and long-term planning. The Interim Finance Committee shall allocate money to the Department pursuant to section 2.7 of this act.

*Sec. 2.7.* 1. The State Department of Conservation and Natural Resources may obtain money from private or public sources of money, other than money from this State, including, without limitation, gifts, grants and donations to the Department, that requires matching money from this State. The Department shall, except as otherwise provided in subsection 4, use any such money that is obtained by the Department to match the money allocated pursuant to subsection 3 for wildfire prevention, restoration and long-term planning.

2. Each time the total amount of matching money obtained by the Department pursuant to subsection 1 is $100,000 or more, the Department

shall notify the Interim Finance Committee of the amount of matching money that the Department has obtained pursuant to subsection 1.

3. After receiving the notice pursuant to subsection 2, the Interim Finance Committee shall allocate to the Department any portion of the money appropriated pursuant to section 2.3 of this act, the total of which must not exceed the sum of $5,000,000, that is equal to the amount of matching money that the Department obtained pursuant to subsection 1.

4. If the Department obtains matching money pursuant to subsection 1 and notifies the Interim Finance Committee pursuant to subsection 2 and the Interim Finance Committee determines that no money which is appropriated pursuant to section 2.3 of this act is available, the Department may use the matching money for wildfire prevention, restoration and long-term planning upon receiving the consent of the source of the matching money. If the Department does not receive such consent within 30 days after the Interim Finance Committee's determination that no money which is appropriated pursuant to section 2.3 of this act is available, the Department must return the matching money to the source of the money.

5. The Department may obtain money for wildfire prevention, restoration and long-term planning from private or public sources of money, other than money from this State, including, without limitation, gifts, grants and donations to the Department, that does not require matching money. The Department shall use any such money that is obtained by the Department for wildfire prevention, restoration and long-term planning.

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

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1104 to Senate Bill No. 508.

Remarks by Senator Woodhouse.

Assembly Amendment No. 1104 to Senate Bill No. 508 provides an appropriation to allow Nevada to be able to take a proactive stance in addressing the wildfire issues that often plague our State.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REMARKS FROM THE FLOOR

Senator Cannizzaro requested that the following remarks be entered in the Journal.

SENATOR CANNIZZARO:

Tonight, we bid farewell to our colleague and friend, the Senator representing District 7. This pioneering man expanded boundaries early on in his political career as one of the first openly gay legislators in our State, fighting for equality to LGBT persons both in the greater community and in the halls of the Legislative Building.

After graduating from the University of New Hampshire, Durham, in 1967, he answered the call of his country and headed west to the Las Vegas area with an assignment at the Nellis Air Force Base. He had intended to leave after meeting his service obligations, but he took a liking to the desert scenery, and the sweltering heat of the southern Nevada summer did not bother him, especially compared to the negative 17 degrees of his last night spent in New Hampshire. He stayed in Nevada, and we have all benefited from that choice.

He would go to work in the public sector for the City of Las Vegas, for Clark County, and later the Regional Transportation Commission. He received recognition as a government financing expert and later designed mass transit plans with the RTC. He also found time to earn his Masters' degree at UNLV along the way. He became involved as an activist for adopting progressive policies regarding AIDS including service on a panel on the affliction created by former Governor Bob Miller. After "retiring" from local government, he ran for the Assembly. Since November 5, 1996, he has held the title of Nevada State Legislator.

Once in 2002, another person of the same name looked to run against the current Senator from District 7. The sham attempt went down in flames, but it may be a reason for the use of the middle initial "R" differentiating him today from the other possible interlopers in this world.

In the Assembly, he served 12 highly productive years including leadership positions as Assistant Majority Floor Leader and Assistant Majority Whip, Chair of the Committee on Government Affairs, the Committee on Taxation and the Select Committee on Parole and Probation. He left the Assembly in 2008 successfully securing a seat here in this Senate.

In the Senate, he has served as our President Pro Tempore, serves as the current and past Chair of the Committee on Government Affairs, past Chair of the Committee on Legislative Operations and Elections and past Chair of the Committee on Natural Resources. That is 12 regular and 14 Special Sessions of service in this building to the people of Nevada. Combined, the Senator from District 7 has attained over 5 decades of combined distinguished public service to his country, State and local government. Please let us now recognize him on this, his final night of his final regular Session as a member of this Body.

I have to mention this: the first term of the then-Assemblyman did not count towards term limits in that House. So, he has 2 years of eligibility left on the south side of the building. I am just giving out a bit of fact.

As he approaches the constitutional term limit of service in the Senate, this Body wants to thank you for all you have done for so many people in so many places. You will truly be missed on the Floor and committees of this House. Bravo, Senator.

SENATOR PARKS:

I am greatly humbled by your applause and your sincerity. I would like to say a couple of things. I have been around here a long time and go back quite a distant period. In 1970, I had the occasion to drive through the northern part of the State. I was still in the Air Force at the time and coming from a temporary assignment. I decided to come through Carson City and check it out. I also wanted to check out Lake Tahoe. Coming from a state like New Hampshire that has 400 members in its House of Representatives, I was surprised when I arrived to take a look at Nevada's Capitol. Like any interested individual, I wandered around, and the Capitol police were very friendly and told me to check out the second floor where the old Assembly chambers were. They told me they were in the process of building a gigantic new building to house the Legislature. As I left the building, I could see the construction of this building.

In 1975, which would have been the third session of the Nevada Legislature in this building, I had the occasion of being sent by the City of Las Vegas to testify on legislation. I have been in this building for every session since that time. I did not get elected until 1976, and in 1997 we ended up with an expanded building. When I was approached to run for office in 1976, my first response was that this was not on my radar screen. There were a number of individuals who decided they wanted to put it on my radar screen, and I guess they were successful. Once I was elected, I would say I was only going to serve one session, and then I would tell my party they needed to start looking for somebody. Every two years, I would ask if they had found someone to replace me, and they would say, no, hang in there, we are still looking and hope to find somebody soon.

In 2008, when I was planning to run for my final Assembly term, I got a call from somebody telling me I needed to pull in my campaign signs and put out a new press release saying I was running for Dina Titus' Senate seat. That was a little over 10 years ago, and I am now at the point of completing 12 regular sessions and 14 special sessions. That marks a considerable period of time. I have 17 months remaining on my term, and I have much to do in those 17 months. There are at least two initiatives I am going to work on getting passed in the general election of 2020.

I am not fading away. I am going to be hanging in there, and you will definitely see quite a bit of me.

I want to thank you for all the support and wonderful camaraderie you have extended to me. I want to thank the staff for their wonderful support and the warm family you have all extended to me. Thank you very much, and let us move on.

SENATOR RATTI:

I would like to share my favorite moments with my friend from southern Nevada. We get to serve on the Public Lands Committee together, and I think it is the best Interim Committee because it forces you to travel all over the State. By far, my favorite time with the good Senator was a drive we took from Las Vegas to Laughlin. Because we have both served in different roles in local government, we have a bond over the different things that have happened in that space. Because he served that region and served it for so long, he knew the back-story of every building, project, road, rock, tree and literally everything one might see on that drive. He remembered the entire nuance, political battles and personality fights—all the juicy gossip—behind how everything came to be in that area. It was such an incredibly fulfilling thing for me to be able to spend that time with him. We are sometimes so busy and in big groups, and do not get the time to do the one-on-ones and really learn something about somebody. I learned how dedicated he was to his service in public government and how he came to know everything about the communities he served in his time in Clark County. I also learned a bit more about the personal stories of the hardships he endured because of some of the stands he took and because of how he existed in the world. It is time I will cherish for many, many days to come. I am looking forward to figuring out when we will do some of these road trips together and under what circumstances because that cannot be the last one. We are going to miss you.

SENATOR SETTELMEYER:

I had the pleasure of meeting the Senator when I was in my first year in the Assembly. People told me to reach out to him; he is a great person, a statesman and wants to work for the betterment of Nevada; there is no partisanship with him; he always just wants to do what is best. I remember being told by a now county commissioner in Clark County, that he was the right person to talk to on different matters. I know you ran for county commissioner yourself at one time, and that was the county's loss but the State's gain. I remember all the times I have worked with you, especially during the interim when we worked on the Legislative Committee for the Review of the Tahoe Regional Planning Agency and the Marlette Lake Water System, which has to be the longest name of any of the committees. Thank you, sir, for all of your service.

SENATOR GOICOECHEA:

I am not given to long speeches, but when I came in during the 2003 Session, Senator Parks was chairing the Committee on Government Affairs. I believe we have been on this Committee every session for the last nine sessions. He is a great mentor in government affairs. I came out of local government, as did he, and he taught me a lot. I can only say, thank you, David, it has been a good run.

SENATOR CANNIZZARO:

I want to take a minute to recognize one of our esteemed colleagues who has not only served this Body with distinction, but also served the children of this State. I want to bring your attention to our colleague representing Senate District 5, who won the election to the Senate in 2006.

Many of the members in this Body have had the honor of working with her on many topics and pieces of legislation. As all of us know, this process takes time, dedication, cooperation and a willingness to serve the people of this State.

Let me tell you a little bit about her. She lived her formative years in Wibaux, Montana, a small town on the eastern side of her home state that now boasts a population of about 600. She found her calling and earned a bachelor's degree from Carroll College in Helena, Montana in elementary education and master's degrees from UNLV in curriculum and instruction and educational leadership.

She made her home in Las Vegas serving in the Clark County School District as a first grade teacher for 17 years, then as a program administrator, retiring in 2006 after 40 years of academic

service. But that was not enough. She wanted to do more and ran for public office winning the honor of representing the residents of Senate District 5.

Through her legislative service, she made it a point to advocate for Nevada's children, schools and families, health care and jobs. During her legislative career, she served on many standing and interim committees, a very lengthy list that is testament to her leadership and unending dedication to this State. Her ability to lead was recognized by appointments to serve as Chair of the Senate Committee on Legislative Operations and Elections; Chair of the Interim Finance Committee and Chair of Senate Committee on Finance that she holds today. In addition, she served in Senate leadership positions of Senate Co-Minority Whip, Senate Co-Majority Whip and Senate Chief Majority Whip. The list of her awards is admirable and also lengthy and includes "Outstanding Champion" by the Las Vegas Chamber of Commerce and "Unsung Hero" from Nevada Public Education Association.

Please join me in showing our gratitude to a true public servant, a person who puts others first, especially our children, and whose commitment to improving our State has been her priority, as she participates in her last sine die in the upper House and completes 12 years in the Nevada State Senate.

What I would note about my dear friend from District 5 is that I truly believe she is the heart of this caucus and this Body. You do not find people who care so much about others every day. Every time we need to take a moment to remember to care for others, I think of my friend from District 5. We have gotten to spend a lot of time together on the road, on the campaign trail and in the interim, through circumstances that we were not anticipating. Even when you are not anticipating it, knowing you have someone by your side who is willing to fight alongside you makes you stronger. I will never forget all of the time we have spent together, and I will never forget how much you have truly been one of the best people I will probably ever know. It will be sad to not have you with us in the future, but I look forward to continuing to work with you through the interim and could not be more proud to call myself your colleague.

SENATOR WOODHOUSE:

Thank you all so much and especially thank you to the Majority Leader for those kind words; I really do appreciate them. I want to say that, like my colleague from District 7, I did not plan to stay in Nevada. The Majority Leader told you the story about me growing up in Montana, Wibaux, Montana, which is French, because the town was founded by Pierre Wibaux who grew up in Paris. This was unlikely for a cattle rancher, but that is what he was as well as being a railroad man.

My family had a cattle ranch, and many of you who have been in my office have seen a picture of our ranch after we moved to Big Timber when I was 12. One of the important things to our family was education. My mom was the second of seven children. In those days, only one went to college, so her sister, who was the oldest, went to college to be a teacher. In those days, you went to a normal school for two years. When I went to sign up for my degree when I went to Carroll, I had my mind made up to be a medical technologist. We did not have guidance counselors in those days, and I had no idea you had to draw blood. I was in line to register, and someone told me that I would have to draw blood. I changed my mind and told them I was going to be an elementary teacher because that was what my mother would want me to do. And so the trek began.

One of the things the Dean of Education said to us as we graduated from Carroll was, "Wherever you go, you must stay two years and give that school district where you sign that contract a chance." I said sure, and came to Las Vegas with four of my college graduate friends. I was lucky, I had a wonderful principal in a new school. This does not normally happen to first-year teachers. All of the other four went home after the first year, but I am stubborn, as many of you in this Body know, and I said I would stick it out. Those were my four roommates for that first year and all of a sudden, I did not have a support group. You have to find people with whom to get an apartment and go from there. It was a wonderful 17 years, teaching first grade. Many have you heard stories about my first grade classrooms always having 34 or 35 students, one year in a portable, which is not the best. Having been a teacher, one of the most rewarding things is when somebody comes up to you and taps you on the shoulder, or runs into you at the mall as asks if you remember them. I just know it was one of my students, but when I had them they were only this tall and now they are this big, and I have no idea what their name is. It is a wonderful profession.

When I did not have a support group after that first year, I got involved in the teacher's union. After a period of time, I was selected to help them with their political action and then to serve as their lobbyist for four sessions of the Legislature. Some of you heard my story the other night about when, at the end of the fourth time serving as a lobbyist I said, "I can do that job too," so I did. I ran twice for the Assembly and did not make it either time. The first time I lost by 82 votes. The second by 200 and I said I was done with that.

The next door that opened for me was to go into school administration. I was an assistant principal and a principal for a short period of time, then moved into the Partnership Office at the School District, which was one of the most wonderful and rewarding experiences I ever had. That is what brought me to the opportunity to be here. I had never worked with the business community, never worked beyond the education community. Those experiences in the Partnership Office opened a lot of doors, and I met a lot of people who I might not normally have met. I did that for over 17 years. My assistant director was former Senator Mike Snyder's wife, Candy. She had been working 33 years, I had been working 40, and we decided to retire together. We left a hole in the school district for a minute, but they are now doing great.

Senator Horsford and Senator Snyder then convinced me to run for the Senate. At the time, I had just gotten married. Al and I discussed it, and I said no. They asked me again, and I said no. They asked me a third time ,and we said yes, so here I am. That was 2006. I had an awesome opportunity here in the Legislature to work on education issues because that was my passion, that is what I knew the best, but along the way I got involved in health issues, and veterans issues, which I knew nothing about. It was so rewarding to meet other people and have the opportunity to work with them on their issues and come up with the right answers.

Together we have accomplished a lot. I knew from day one as this Legislative Session started that it would be bittersweet, and it has been. It has been wonderful to be with all of you, but it is hard to say goodbye, so, I am not going to go away either Senator from District 7. So many of you are special friends. As the Majority Leader said, we had a few challenges along the way, but together we accomplished what we needed to, and we are both here. Along the way, I think that made our bond even stronger, and I appreciate that. That goes to so many here in this Body.

To the people I have met along the way, I encourage all of you to remember them because you never know when some of the things you learn come back to rest. I appreciate everyone. We can never say thank you enough to our staff in the Legislative Counsel Bureau, the fiscal staff, especially chairing Finance and our legal department. Thank you, not just to my colleagues whom I love to death, but to all of you as well. Thank you so very much.

SENATOR DONDERO LOOP:

I have known Joyce a long time, and we have lots of mutual friends because we were both educators. She is the reason I am here today. For some of you, that might be your nemesis, but for me it was a great thing to come back. Joyce is loyal. She is consistent, and she is trustworthy. People who have those traits always say "we." In our caucus, she has said we will do this. She has said we will get this done. She has said we will have the best education in our State. She has said we will be a great Legislature, and we have been. We have had lots of laughs, but we have also had lots of serious conversations. She is a steady-Eddie, and we are going to miss her in this Body because, like the Senator we honored previously, if you need to know something, you go to Joyce. The kids of Nevada will miss you, but we know you will around helping all of us do this hard work. I thank you from the bottom of my heart for all of your friendship.

SENATOR KIECKHEFER:

I said a lot of what I wanted say about the Chairwoman of the Finance Committee during our final passage of the appropriations act. A lot has transpired over the past couple of years, and the grace and dignity of the Senator to walk into the building professionally, with an open heart and an open mind, and do the work so collaboratively in a way that brought everybody in, is remarkable and something that is perhaps the true testament to her character and her nature. I want you to know I appreciate it, and I know the work you have done here is going to make lives better for people across the State. Between you and the Senator from District 7, we are going to miss a lot of the institutional knowledge on Finance in the coming sessions. We have a lot to live up to when we come back, but your impression is indelible.

SENATOR DENIS:

The comment was made that the children of Nevada will miss my dear neighbor here, but I do not think they will, because the work she has done her whole life she has made a difference in their lives. The first time I met her was a long time ago, when I was much younger and had a lot more hair. I was a PTA dad, and she was working at the district. I knew she was the kind of person who had a passion for education. Over the last few years, and especially this year, we have spent a lot of time together trying to figure out how to redo the funding formula for education so we can make an even bigger difference for kids. I appreciate the passion and the work she puts in. I know the work she has done will continue on. I am grateful for the privilege I have had to work with her. I agree with the Senator from District 7, we are going to miss a lot with institution knowledge they have. We have a great charge as we move forward to continue that great work to make Nevada the best place we can and help our future, which is our kids.

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

Motion carried.

Senate in recess at 9:35 p.m.

## SENATE IN SESSION

At 10:54 p.m.

President Marshall presiding.

Quorum present.

### REPORTS OF COMMITTEE

*Madam President:*

Your Committee on Finance, to which was re-referred Senate Bill No. 446, 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 3, 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. 215, 381, 388, 421, 443, 458, 467, 551; Senate Joint Resolution No. 8.

Also, have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 123, Amendment No. 1122; Senate Bill No. 161, Amendments Nos. 755, 801, 1130; Senate Bill No. 198, Amendment No. 1129; Senate Bill No. 211, Amendment No. 1125; Senate Bill No. 287, Amendment No. 1133; Senate Bill No. 366, Amendment No. 1081; Senate Bill No. 377, Amendment No. 1082; Senate Bill No. 501, Amendment No. 1124; Senate Bill No. 540, Amendment No. 1114, 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 adopted Senate Concurrent Resolutions Nos. 3, 10, 11.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 1102 to Assembly Bill No. 81; Senate Amendment No. 1105 to Assembly Bill No. 150; Senate Amendment No. 1085 to Assembly Bill No. 176; Senate Amendments Nos. 1107, 1126 to Assembly Bill No. 236; Senate Amendments Nos. 1086, 1103 to Assembly Bill No. 271; Senate Amendment No. 1123 to Assembly Bill No. 309; Senate Amendment No. 1109 to Assembly Bill No. 348; Senate Amendment No. 1064 to Assembly Bill No. 356; Senate Amendment No. 1116 to Assembly Bill No. 414; Senate Amendment No. 1101 to Assembly Bill No. 504; Senate Amendment No. 1058 to Assembly Bill No. 516; Senate Amendment No. 1106 to Assembly Concurrent Resolution No. 4.

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. 139.

CAROL AIELLO-SALA
*Assistant Chief Clerk of the Assembly*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Senate Bill No. 446 be taken from the General File and placed on the Secretary's desk.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

*Madam President:*

The Conference Committee concerning Assembly Bill No. 139, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 961 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

Conference Amendment No. 7.

SUMMARY—Revises provisions relating to when minors may marry. (BDR 11-1)

AN ACT relating to domestic relations; revising provisions relating to when minors may marry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a minor to marry in certain circumstances. If the minor is at least 16 years of age, the consent of either parent or legal guardian is required. (NRS 122.020, 122.025) If the minor is younger than 16 years of age, in addition to such consent, a district court must authorize the marriage after making certain findings. (NRS 122.025) Section 1 of this bill: (1) removes the ability of a minor who is under 17 years of age to marry; and (2) allows a minor who is 17 years of age to marry if the minor has the consent of either parent or the minor's legal guardian and the minor obtains authorization from a district court after the court holds an evidentiary hearing and makes certain findings. Section 1.5 of this bill sets forth the requirements for the court to authorize the marriage of a minor who is 17 years of age.

Sections 2-3.5 of this bill make conforming changes. Section 5.3 of this bill requires each county clerk to compile a report concerning marriage licenses issued for minors who are 17 years of age and submit the report to the Director of the Legislative Counsel Bureau for distribution to the 81st Session of the Legislature. Section 6 of this bill ensures that the validity of any marriage existing when the bill becomes effective is not affected, and that any married minor on that date continues to have the same rights.

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

Section 1. NRS 122.020 is hereby amended to read as follows:

122.020 1. Except as otherwise provided in ~~[this section,]~~ *subsection 2 and NRS 122.025*, two persons, regardless of gender, *who are* at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a spouse living, may be joined in marriage.

2. Two persons, regardless of gender, who are married to each other may be rejoined in marriage if the record of their marriage has been lost or destroyed or is otherwise unobtainable.

~~[3. A person at least 16 years of age but less than 18 years of age may marry only if the person has the consent of:~~

~~(a) Either parent; or~~

~~(b) Such person's legal guardian.]~~

Sec. 1.5. NRS 122.025 is hereby amended to read as follows:

122.025 1. A ~~[person less than 16]~~ *minor who is 17* years of age may marry only if the ~~[person]~~ *minor* has the consent of:

(a) Either parent; or

(b) ~~[Such person's]~~ *The minor's* legal guardian,

➥ and ~~[such person]~~ *the minor* also obtains authorization from a district court as provided in ~~[subsection 2.]~~ *this section.*

2. In extraordinary circumstances, a district court may authorize the marriage of a ~~[person less than 16]~~ *minor who is 17* years of age if the court finds *, by clear and convincing evidence, after an evidentiary hearing in which both parties to the prospective marriage provide sworn testimony,* that:

(a) *Both parties to the prospective marriage are residents of this State;*

*(b) ~~[The minor has received a high school diploma, a general educational development certificate or an equivalent document;~~*

*~~(c)]~~* The marriage will serve the best interests of ~~[such person;]~~ *the minor;* and

~~[(b) Such person~~]

*~~[(d)]~~ (c) The minor* has the consent required by paragraph (a) or (b) of subsection 1.

➥ Pregnancy alone does not establish that the best interests of ~~[such person]~~ *the minor* will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of ~~[such person.]~~ *the minor.*

*3. In determining the best interests of the minor for the purposes of subsection 2, the court shall consider, without limitation:*

*(a) The difference in age between the parties to the prospective marriage;*

*(b) The need for the marriage to occur before the minor reaches 18 years of age; and*

*(c) The emotional and intellectual maturity of the minor.*

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Except as otherwise provided in NRS 122.0615, before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage

license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. ~~[If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:~~

~~(a) Personally given before the clerk;~~

~~(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or~~

~~(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.~~

~~6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.~~

~~7. If the authorization of a district court is required,]~~ *When the authorization of a district court is required because the marriage involves a minor,* the county clerk shall issue the license if that authorization is given to the county clerk in writing.

~~[8.]~~ *6.* At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:

(a) As a middle name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the current middle name and the current last name of either applicant.

(4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.

(b) As a last name, one of the following:

(1) The current last name of the other applicant.

(2) The last name of either applicant given at birth.

(3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).

~~[9.]~~ *7.* All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

~~[10.]~~ *8.* A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. NRS 122.0615 is hereby amended to read as follows:

122.0615 1. In each county whose population is 100,000 or more but less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, the board of county commissioners shall:

(a) Ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or

(b) Provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued pursuant to paragraph (a) is not open to the public.

2. In each county whose population is less than 100,000, in which a commercial wedding chapel has been in business in the county for 5 years or more, the board of county commissioners may provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued is not open to the public.

3. Except as otherwise provided in subsection 4, a program established pursuant to subsection 1 or 2 must authorize each commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing with the county clerk a completed registration form prescribed by the board of county commissioners, along with a performance bond in the amount of $50,000. The performance bond must be conditioned upon the faithful performance of all statutory duties related to the issuance of marriage licenses and compliance with the provisions of NRS 603A.010 to 603A.290, inclusive, that ensure the security of personal information submitted by applicants for a marriage license.

4. A commercial wedding chapel shall refer any application for a marriage license ~~[that includes the signature of a guardian]~~ for a minor applicant *who is 17 years of age* to the county clerk for review and issuance of the marriage license pursuant to NRS 122.040.

5. The county clerk of the county in which a commercial wedding chapel that issues marriage licenses pursuant to this section is located shall provide to the commercial wedding chapel, without charge, any materials necessary for the commercial wedding chapel to issue marriage licenses. The number of marriage licenses that the commercial wedding chapel may issue must not be limited.

6. A commercial wedding chapel that issues marriage licenses pursuant to this section shall comply with all statutory provisions governing the issuance of marriage licenses in the same manner as the county clerk is required to comply, and shall:

(a) File the original application for a marriage license with the county clerk on the first available business day after completion of the application;

(b) Collect from an applicant for a marriage license all fees required by law to be collected; and

(c) Remit all fees collected to the county clerk, in the manner required by the standard of practice adopted by the county clerk.

7. The records of a commercial wedding chapel that issues marriage licenses pursuant to this section which pertain to the issuance of a marriage license are public records and must be made available for public inspection at reasonable times. Such a commercial wedding chapel shall comply with the provisions of NRS 603A.010 to 603A.290, inclusive, in the same manner as all

other data collectors to ensure the security of all personal information submitted by applicants for a marriage license.

8. The persons to whom a commercial wedding chapel issues a marriage license may not be joined in marriage in any county other than the county in which the marriage license is issued.

9. A commercial wedding chapel that violates any provision of this section is guilty of a misdemeanor.

Sec. 3.5. NRS 125.320 is hereby amended to read as follows:

125.320 1. When the consent of a parent, guardian or district court, as required by NRS ~~[122.020 or]~~ 122.025, has not been obtained, the marriage is void from the time its nullity is declared by a court of competent jurisdiction.

2. If the consent required by NRS ~~[122.020 or]~~ 122.025 is not first obtained, the marriage contracted without the consent of a parent, guardian or district court may be annulled upon application by or on behalf of the person who fails to obtain such consent, unless such person after reaching the age of 18 years freely cohabits for any time with the other party to the marriage as a married couple. Any such annulment proceedings must be brought within 1 year after such person reaches the age of 18 years.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.3. 1. Each county clerk shall compile a report containing information about each marriage license issued on or after October 1, 2019, for the marriage of a person who is 17 years of age. For each such marriage, the report must include, without limitation, the ages of the parties to the marriage.

2. On or before January 1, 2021, each county clerk shall submit the report required pursuant to this section to the Director of the Legislative Counsel Bureau for distribution to the 81st Session of the Legislature.

Sec. 5.7. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. The amendatory provisions of this act do not affect:

1. The validity of any marriage entered into by a minor before October 1, 2019; or

2. The legal rights or responsibilities of any minor who married before October 1, 2019.

Sec. 7. (Deleted by amendment.)

| | |
|---|---|
| DALLAS HARRIS | STEVE YEAGER |
| MELANIE SCHEIBLE | LESLEY COHEN |
| BEN KIECKHEFER | JILL TOLLES |
| *Senate Conference Committee* | *Assembly Conference Committee* |

Senator Harris moved that the Senate adopt the report of the Conference Committee concerning Assembly Bill No. 139.

Remarks by Senators Harris and Kieckhefer.

SENATOR HARRIS:

The Conference Committee decided to remove the requirement that a minor obtain a high school diploma before being able to get married.

SENATOR KIECKHEFER:

I rise in support of the Conference Committee Report which offers more flexibility for those who are under the age of 18. I appreciate the work of the Conference Committee.

Motion carried by a constitutional majority.

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

Senate in recess at 10:57 p.m.

## SENATE IN SESSION

At 11:03 p.m.

President Marshall presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Senator Ratti moved that Senate Bill No. 446 and Assembly Bill No. 425 be taken from the Secretary's desk and placed at the top of the General File.

Motion carried.

### GENERAL FILE AND THIRD READING

Senate Bill No. 446.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 1136.

SUMMARY—Revises provisions relating to Medicaid. (BDR 38-974)

AN ACT relating to Medicaid; authorizing a recipient of Medicaid to receive reimbursements for personal care services; suspending eligibility for Medicaid of a person who is incarcerated to the extent possible; ~~[providing for the sharing of information between certain governmental entities to facilitate the reinstatement of eligibility and coverage under Medicaid for a person who is released from incarceration;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer Medicaid. (NRS 422.270) Existing law also requires Medicaid to cover certain home and community-based services for persons with physical disabilities, including supported personal care. (NRS 422.396) Section 2 of this bill requires the Director of the Department to include in the State Plan for Medicaid authorization for a recipient of Medicaid to directly receive reimbursements for personal care services provided by a personal care assistant or an agency to provide personal care services in the home and paid for by the recipient.

Section 3 of this bill provides that, to the extent possible: (1) the eligibility of a person for Medicaid must be suspended, rather than terminated when a person is incarcerated; and (2) if a recipient of Medicaid is incarcerated, the person's eligibility for and coverage under Medicaid must be reinstated as soon as possible upon his or her release.

~~[ Existing law requires the Director of the Department of Corrections to receive, retain and release offenders sentenced to imprisonment in the state prison. (NRS 209.131) Existing law also provides that the sheriff is the custodian of the jail in his or her county and the prisoners therein. (NRS 211.030) Sections 4 and 5 of this bill authorize the Director of the Department of Corrections and each county sheriff, respectively, to share information concerning the intake and release of prisoners with the~~

~~Department of Health and Human Services for the purposes of suspending and reinstating eligibility for and coverage under Medicaid. If the Director of the Department of Corrections or a county sheriff fails to share information with the Department of Health and Human Services, sections 4 and 5 authorize the Director or sheriff, as applicable, to submit to the Legislature a report describing the reasons for not sharing such information.]~~

Section 6 of this bill makes a conforming change.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. To the extent authorized by federal law, the Director shall include in the State Plan for Medicaid authorization for a recipient of Medicaid to be deemed a provider of services for the purposes of allowing the recipient to receive reimbursements for personal care services covered by Medicaid and use that money to pay for services provided by a personal care assistant acting pursuant to NRS 629.091 or an agency to provide personal care services in the home using a self-directed model.*

*2. As used in this section:*

*(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.*

*(b) "Personal care services" means the services described in NRS 449.1935.*

Sec. 3. *1. To the extent not prohibited by federal law, the Department shall:*

*(a) Suspend, rather than terminate, the eligibility for Medicaid of a person who is incarcerated for the amount of time authorized by regulation pursuant to subsection 2; and*

*(b) Reinstate the person's eligibility for and coverage under Medicaid as soon as possible upon his or her release from incarceration if the person otherwise meets the requirements to be eligible for Medicaid at that time.*

*2. The Department may adopt any regulations necessary to carry out the provisions of this section, including, without limitation, regulations that prescribe the amount of time that a person's eligibility for Medicaid may be suspended pursuant to this section before being terminated.*

Sec. 4. ~~[Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Director may:*~~

~~*(a) Share information concerning the intake and release of prisoners with the Department of Health and Human Services on a regular basis or in real time using electronic means for the purposes of suspending and reinstating prisoners' eligibility for and coverage under Medicaid pursuant to section 3 of this act; and*~~

~~*(b) Enter into an agreement with the Department of Health and Human Services to facilitate the sharing of information pursuant to paragraph (a).*~~

~~*2. On or before December 31 of any year during which the Director does not share information with the Department of Health and Human Services pursuant to paragraph (a) of subsection 1, the Director must submit a report describing the reasons for not sharing such information to the Director of the Legislative Counsel Bureau for transmittal to:*~~

~~*(a) In odd-numbered years, the Legislative Committee on Health Care.*~~

~~*(b) In even-numbered years, the next regular session of the Legislature.]*~~

(Deleted by amendment.)

Sec. 5. ~~[Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The sheriff of a county may:*~~

~~*(a) Share information concerning the intake and release of prisoners with the Department of Health and Human Services on a regular basis or in real time using electronic means for the purposes of suspending and reinstating prisoners' eligibility for and coverage under Medicaid pursuant to section 3 of this act; and*~~

~~*(b) Enter into an agreement with the Department of Health and Human Services to facilitate the sharing of information pursuant to paragraph (a).*~~

~~*2. On or before December 31 of any year during which the sheriff of a county does not share information with the Department of Health and Human Services pursuant to paragraph (a) of subsection 1, the sheriff must provide a report describing the reasons for not sharing such information to the Director of the Legislative Counsel Bureau for transmittal to:*~~

~~*(a) In odd-numbered years, the Legislative Committee on Health Care.*~~

~~*(b) In even-numbered years, the next regular session of the Legislature.]*~~

(Deleted by amendment.)

Sec. 6. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

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

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

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

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and sections 2 and 3 of this act,* 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department,

but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 7. ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.]~~ (Deleted by amendment.)

Sec. 8. 1. This section and sections 1, 2 and 6 of this act become effective July 1, 2019.

2. Sections 3, 4, 5 and 7 of this act become effective:

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

(b) On January 1, 2021, for all other purposes.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 1136 to Senate Bill No. 446 eliminates provisions authorizing the Director of the Department of Health and Human Services and the sheriff of a county to share information regarding the intake and release of prisoners.

Amendment adopted.

Bill read third time.

Remarks by Senator Woodhouse.

Senate Bill No. 446, requires the Department of Health and Human Services to include in the Medicaid State Plan authorization for participants to directly receive reimbursements for personal care services provided by a personal care assistant or an agency to provide personal care services in the home using a self-directed model.

Roll call on Senate Bill No. 446:

YEAS—21.

NAYS—NONE.

Senate Bill No. 446 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 425.

Bill read third time.

The following amendment was proposed by Senators Seevers Gansert and Cancela:

Amendment No. 1134.

SUMMARY—Revises provisions governing ~~[fingerprinting services.]~~ public safety. (BDR 14-945)

AN ACT relating to public ~~[affairs; requiring the Director to provide for audits to ensure compliance with applicable laws, regulations and standards; requiring persons who wish to establish or own certain fingerprint facilities to enter into certain contracts;]~~ safety; requiring the Central Repository for Nevada Records of Criminal History to prepare an annual report relating to the transmission of certain information and records concerning public safety; providing for coordination between the Central Repository and the courts relating to such information and records; enacting provisions relating to the authority of the Central Repository to conduct a background check on certain persons who provide care for children, elderly persons or persons with disabilities; 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 provide for certain audits to~~

~~ensure compliance with all applicable laws, regulations and standards.]~~ a court, within 5 business days, to transmit to the Central Repository for Nevada Records of Criminal History a record concerning the appointment of a guardian for a person with a mental defect, a plea or finding of guilty but mentally ill, a verdict acquitting a person by reason of insanity, a finding that a person is incompetent to stand trial or the involuntary admission of a person to a mental health facility, along with a statement that the record is being transmitted for inclusion in all appropriate databases of the National Instant Criminal Background Check System. (NRS 159.0593, 174.035, 175.533, 175.539, 178.425, 433A.310) Existing law also provides that, upon receiving such a record, the Central Repository: (1) must take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Instant Criminal Background Check System; and (2) may take reasonable steps to ensure that the information reported in the record is included in each appropriate database of the National Crime Information Center. (NRS 179A.163)

Existing law further requires a person to transmit certain information to the Central Repository any time a court issues a temporary or extended order for protection against domestic violence and any time that a person serves such an order, registers such an order, registers a Canadian domestic-violence protection order or receives certain information or takes certain other actions relating to such orders. (NRS 33.095) Finally, existing law requires each agency of criminal justice to submit information to the Central Repository relating to records of criminal history that it creates, issues or collects, and certain information in the agency's possession relating to the DNA profile of certain persons. (NRS 179A.075)

Section 1.3 of this bill requires the Central Repository to prepare an annual report to be submitted to the Governor, the Nevada Supreme Court and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding each instance in which certain information relating to orders for protection against domestic violence, records of criminal history, information relating to DNA profiles and mental health records were not timely submitted during the previous fiscal year. Section 1.3 also requires the Central Repository to coordinate its efforts with the courts to ensure that such information and records are timely submitted to the Central Repository.

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)

The National Child Protection Act/Volunteers for Children Act (NCPA/VCA) authorizes states to enact provisions that require qualified entities to contact an authorized agency to request a national background check

for the purpose of determining whether a covered individual has been convicted of a crime that bears upon the fitness of the covered individual to care for children, elderly persons or individuals with disabilities. (34 U.S.C. 40102, et seq.) Section ~~[5]~~ 1.7 of this bill ~~[requires a person wishing to establish or own a fingerprint facility that transmits or forwards fingerprints to the Central Repository to enter into a contract with the Central Repository.]~~ requires the Central Repository to act as the authorized agency of this State for the purpose of conducting such background checks. Section 1.7 also provides the duties of qualifying entities and the Central Repository, as applicable, and the rights afforded to a covered individual. Finally, section 1.7: (1) requires the Director of the Department of Public Safety to adopt certain regulations; and (2) provides that certain persons and entities are not liable for certain acts or omissions relating to such background checks under certain circumstances.

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,]~~ 1.3 and 1.7 of this act.

*Sec. 1.3.* *1. On or before September 1 of each year, the Central Repository shall prepare and submit to the Governor, the Nevada Supreme Court and the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report identifying each instance in which information or a record is required to be transmitted to the Central Repository pursuant to NRS 33.095, 159.0593, 174.035, 175.533, 175.539, 178.425, subsection 3 of NRS 179A.075 or NRS 433A.310 and such information or record was not timely submitted during the previous fiscal year. The report must include the reason, if known, for the untimely submission of the information or record.*

*2. The Central Repository shall, according to a schedule established by the Director of the Department, contact the courts in this State to coordinate efforts to ensure the timely submission of information or records transmitted pursuant to NRS 33.095, 159.0593, 174.035, 175.533, 175.539, 178.425, subsection 3 of NRS 179A.075 or NRS 433A.310.*

*Sec. 1.7.* *1. The Central Repository shall act as the authorized agency of this State for any request by a qualifying agency for a national background check where the purpose of the national background check is to determine whether a covered individual has been convicted of a crime that bears upon the fitness of the covered individual to have responsibility for the safety and well-being of children, elderly persons or individuals with disabilities. A qualified entity shall submit a request for any such background check to the Central Repository.*

*2. Before a qualified entity may submit a request for a background check pursuant to this section, the qualified entity must:*

*(a) Register with the Central Repository via a signed written agreement.*

*(b) Obtain from the covered individual for whom the request will be submitted:*

*(1) A set of fingerprints;*

*(2) A completed and signed statement that complies with the requirements of 34 U.S.C. § 40102(b)(1); and*

*(3) A signed waiver authorizing the Central Repository to release the background check to the qualified entity.*

*3. The Central Repository shall:*

*(a) Access and review state and federal records of criminal history through the national criminal history background check system and shall make reasonable efforts to respond to a request by a qualified entity within 15 days.*

*(b) Determine whether a covered individual has been convicted of, or is under pending indictment for, a crime that bears upon the covered individual's fitness to have responsibility for the safety and well-being of children, the elderly or individuals with disabilities and shall convey that determination to the qualified entity.*

*(c) Upon receipt of a background check lacking disposition data, conduct research in available state and local recordkeeping systems to obtain complete data.*

*(d) Charge a fee for the background check that complies with the requirements of 34 U.S.C. § 40102(e).*

*(e) Provide qualified entities with information concerning the required procedures for submitting a request pursuant to this section, including, without limitation, information concerning:*

*(1) The waiver and statement required pursuant to subsection 2;*

*(2) The rights of the covered individuals; and*

*(3) The amount of fees required for each background check.*

*4. The Director of the Department shall adopt regulations to ensure that the covered individual has the rights described in 34 U.S.C. § 40102(b)(2) and may adopt any other regulations as necessary to comply with the requirements of 34 U.S.C. § 40102.*

*5. The background check and the results thereof must be handled in accordance with the requirements of the Department of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (Public Law 92-544) and, as applicable to the use and release of state or federal records, chapter 179A of NRS and 34 U.S.C. § 40102.*

*6. A qualified entity is not liable in an action for damages solely for failure to conduct a criminal background check on a covered individual pursuant to this section.*

*7. The State, any political subdivision of the State and any agency, officer or employee of this State or any political subdivision of the State are not liable in an action for damages for the failure of a qualified entity to take action adverse to a covered individual who was the subject of a background check.*

*8. As used in this section:*

*(a) "Child" means a person who is less than 18 years of age.*

*(b) "Covered individual" has the meaning ascribed to it in 34 U.S.C. § 40104(9).*

*(c) "Elderly person" means a person who is 60 years of age or older.*

*(d) "Individuals with disabilities" has the meaning ascribed to it in 34 U.S.C. § 40104(7).*

*(e) "National criminal history background check system" has the meaning ascribed to it in 34 U.S.C. § 40104(8).*

*(f) "Qualified entity" has the meaning ascribed to it in 34 U.S.C. § 40104(10).*

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 and 3 of this act have the meanings ascribed to them in those sections.*]~~ (Deleted by amendment.)

Sec. 2.3. (Deleted by amendment.)

Sec. 2.5. ~~[*1. "Fingerprint facility" means a facility located in this State which uses fingerprinting and network equipment to provide fingerprinting services. The term includes, without limitation, such a 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.*]~~ (Deleted by amendment.)

Sec. 2.7. (Deleted by amendment.)

Sec. 3. ~~[*"Fingerprinting service" means the act of collecting, including, without limitation, collecting electronically, biometric data in the form of fingerprints.*]~~ (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.5. (Deleted by amendment.)

Sec. 5. ~~[*A person who wishes to establish or own a fingerprint 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.*]~~ (Deleted by amendment.)

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. Provide for preliminary and periodic audits of fingerprinting and network equipment to ensure compliance with all applicable laws, regulations and standards.]*~~ (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

*Sec. 27.5.* The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 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,]~~ July 1, 2019, for all other purposes.

Senator Seevers Gansert moved the adoption of the amendment.

Remarks by Senator Seevers Gansert.

Amendment No. 1134 to Assembly Bill No. 425 adds language to allow the Department of Public Safety to reach out to the courts to make sure all information required to be transmitted to the Central Repository for Nevada and the National Repository is sent. It also provides that the Central Repository will become the authorized agency for the State when it deals with federal level background checks.

Amendment adopted.

Bill read third time.

Remarks by Senator Seevers Gansert.

Assembly Bill No. 425 allows Department of Public Safety to reach out to the courts across Nevada to make sure information is being transmitted appropriately to the Central Repository and also requires the Central Repository to be named as the authorized agency of the State for federal-background checks.

Roll call on Assembly Bill No. 425:
YEAS—21.
NAYS—NONE.

Assembly Bill No. 425 having received a constitutional majority, Madam President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 11:08 p.m.

## SENATE IN SESSION

At 11:17 p.m.
President Marshall presiding.
Quorum present.

### UNFINISHED BUSINESS
### CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 123.
The following Assembly amendment was read:
Amendment No. 1122.
SUMMARY—Revises provisions relating to elections. (BDR 24-726)
AN ACT relating to elections; enacting provisions governing the security and integrity of elections; revising provisions relating to candidates and declarations of candidacy; revising provisions regarding local elections; revising provisions regarding voter registration; making various other changes relating to elections; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Under existing law, the Secretary of State serves as the Chief Officer of Elections and is responsible for the execution and enforcement of state and federal law relating to Nevada's elections. (NRS 293.124) Existing law also requires the Secretary of State to adopt regulations relating to the security and integrity of Nevada's elections. (NRS 293.247) Sections 3, 4, 6-9 and 86 of this bill establish additional requirements regarding the security and integrity of such elections.
Section 3 of this bill defines the term "information system" to mean any computer or other system used to collect, process, distribute or store information, and section 4 of this bill defines "security of an information system" to include the security of: (1) the physical infrastructure of the system; and (2) the information on the system.
Section 6 of this bill requires each county or city clerk and their staff members who administer elections to complete an annual training class on cybersecurity. Section 6 also requires any county or city clerk or other local election official to immediately notify the Secretary of State if there has been an attack or attempted attack on the security of an election information system.

Under existing law, any records of state agencies or local governments relating to a suspected or confirmed threat or attack on the security of an information system are confidential and not public records and may be disclosed only under certain limited circumstances. (NRS 480.940) Consistently with this existing law, section 7 of this bill provides that any records of the Secretary of State or county or city clerk relating to the security of an election information system, including records relating to the prevention of a threat or attack on the security of an election information system, are confidential and not public records and may be disclosed only under certain limited circumstances.

Section 8 of this bill requires the Secretary of State to adopt regulations for conducting risk-limiting audits of elections. Section 8 defines "risk-limiting audit" as an audit that uses statistical principles and methods to limit the risk of certifying an incorrect election outcome. Section 86 of this bill requires the Secretary of State to establish a pilot program for conducting risk-limiting audits of the results of the 2020 general election. Section 9 of this bill, which becomes effective January 1, 2022, requires each county clerk to conduct risk-limiting audits of elections in accordance with the regulations adopted by the Secretary of State.

Existing federal law establishes the United States Election Assistance Commission and charges the federal agency with various duties, including the development of standards for voting systems. (52 U.S.C. §§ 20921, 21081) Existing state law requires the Secretary of State and each county and city clerk to ensure that each voting system used in this State meets or exceeds the standards for voting systems established by the United States Election Assistance Commission. (NRS 293.2696) Section 5 of this bill defines the term "United States Election Assistance Commission" for Nevada's elections laws, and sections 33, 38, 41 and 42 of this bill change certain existing references in Nevada's elections laws so they properly refer to the United States Election Assistance Commission.

Under existing law, with certain exceptions, in order for a person to be named as a candidate on an official ballot at any election, the person must file a declaration of candidacy with the appropriate filing officer. (NRS 293.057, 293.165, 293.166, 293.177, 293.185, 293C.145, 293C.175 and 293C.185) Section 2 of this bill defines the term "declaration of candidacy" for Nevada's elections laws.

Under existing law, ten or more registered voters may file a certificate of candidacy designating a qualified person as a candidate for an office, and if the person named in the certificate files an acceptance of candidacy and pays the required fee, the person becomes a candidate as if he or she had filed a declaration of candidacy. (NRS 293.180) Section 85 of this bill repeals this existing law. Based on this repeal, the terms "acceptance of candidacy" and "certificate of candidacy" are removed from existing law by various sections of this bill, and the term "declaration of candidacy" remains as the appropriate

term for the official document that a person must file to be named as a candidate on an official ballot at any election.

Under existing law, in even-numbered years, the first day that judicial candidates may file a declaration of candidacy is the first Monday in January, and the first day that nonjudicial candidates may file a declaration of candidacy is the first Monday in March. (NRS 293.177) However, in cities that hold their city elections in odd-numbered years, the first day that judicial and nonjudicial candidates may file a declaration of candidacy is 70 days before the applicable election. (NRS 293C.145, 293C.175 and 293C.185) Existing law also: (1) requires the Secretary of State to forward certain information to each county clerk after deadlines calculated by using the filing dates for certain candidates; and (2) prohibits counties, cities and other political subdivisions from making certain changes to election districts after deadlines calculated by using the filing dates for certain candidates. (NRS 293.187, 293.209) Sections 22 and 29 of this bill clarify these deadlines so they are calculated by using the filing dates for nonjudicial candidates.

Existing law requires election boards to have rosters of registered voters in polling places. (NRS 293.275) Sections 34 and 43 of this bill require that, in a county or city which uses electronic rosters, the county or city clerk must complete a test of the electronic rosters to ensure their functionality before the first day of early voting.

Under existing law, if there has been a tie vote for certain county, city or other local offices, the winner is determined by lot. (NRS 293.400) Section 35 of this bill provides that when a tie vote occurs in a primary election for nonpartisan office: (1) if the candidates with the tie vote received the highest number of votes in the primary election, those candidates must be declared the nominees and placed on the ballot for the general election; or (2) if the candidates with the tie vote received the second highest number of votes in the primary election, those candidates, along with the candidate who received the highest number of votes in the primary election, must be declared the nominees and placed on the ballot for the general election ~~[. Section]~~ , unless the candidate who received the highest number of votes in the primary election received a majority of the votes cast in the primary election and any law or city charter declares such a candidate to be elected to the office at the primary election. Sections 32 and 43.5 of this bill ~~[makes]~~ make conforming changes.

Existing law authorizes the county or city clerk to rent privately owned locations to be designated as polling places on election day. (NRS 293.437) Section 37 of this bill provides that the legal rights and remedies of the owner or lessor of such private property are not impaired or affected by renting the property for use as a polling place.

Existing law requires the county clerk or field registrar of voters to list a person's political party as nonpartisan if the person does not indicate a political party affiliation on an application to preregister or register to vote. (NRS 293.518) Section 38 of this bill provides that if a person who is already preregistered or registered to vote in a county submits a new application in the

same county but does not make any indications about political party affiliation on the new application, the county clerk or field registrar of voters must not change the person's existing political party affiliation that was established by his or her prior application and is listed in the current records of the county clerk.

Existing law sets forth different deadlines for registering to vote depending on whether the method used for registration is by mail, computer or appearing in person at the office of the county or city clerk. Existing law also requires the county or city clerk to publish a notice in a newspaper in the county or city indicating the day and time that registration will close, but existing law does not explicitly require the notice to indicate the day and time that each different method of registration will close. (NRS 293.560, 293C.527) Sections 40 and 50 of this bill clarify that the notice must: (1) indicate the day and time that each different method of registration will close; and (2) be published once each week for 4 consecutive weeks next preceding the day that the last method of registration will close.

Under the Nevada Constitution, persons may circulate different types of petitions for initiative or referendum that propose changes in state law, such as amendments to the Nevada Constitution or Nevada Revised Statutes. If the petitions receive a sufficient number of valid signatures, they are placed on the ballot for approval or disapproval by the voters. (Nev. Const. Art. 19, §§ 1, 2) Existing law requires a copy of each petition to be placed on file with the Secretary of State before it may be circulated for signatures. (NRS 295.015) Section 57 of this bill requires the Secretary of State to assign to each petition that is placed on file a unique identifier that must: (1) consist of a serial number or letter, or both; and (2) distinguish among each different type of petition received.

Finally, sections 83-84.6 of this bill resolve conflicts with Assembly Bill No. 50 and Assembly Bill No. 345 of this session.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Declaration of candidacy" means a declaration of candidacy that a person must file with the appropriate filing officer pursuant to this title in order to be named as a candidate on an official ballot at any election.*

Sec. 3. *"Information system" has the meaning ascribed to it in NRS 480.906.*

Sec. 4. *"Security of an information system" has the meaning ascribed to it in NRS 480.910.*

Sec. 5. *"United States Election Assistance Commission" means the Election Assistance Commission created pursuant to 52 U.S.C. § 20921, as amended, or any successor agency.*

Sec. 6. *1. At least once each year, each county or city clerk and all members of their staff whose duties include administering an election must*

*complete a training class on cybersecurity that is approved by the Secretary of State.*

*2. If any county or city clerk or other local election official identifies or is informed of a confirmed attack or attempted attack on the security of an information system used by the county or city clerk or other local election official, the county or city clerk or other local election official shall immediately notify the Secretary of State regarding such attack or attempted attack.*

Sec. 7. *1. Any records of the Secretary of State or a county or city clerk that relate to the security of an information system used for elections are confidential and are not public records pursuant to chapter 239 of NRS. Such records include, without limitation:*

*(a) Risk assessments;*

*(b) Vulnerability assessments; and*

*(c) Any other information that identifies the preparation for or prevention of a threat or attack on an information system used for elections.*

*2. The Secretary of State or a county or city clerk shall not disclose any records that are confidential pursuant to this section, except that such records may be provided confidentially to:*

*(a) Any state agency or local government;*

*(b) A cybersecurity incident response team appointed pursuant to NRS 480.928; or*

*(c) Appropriate law enforcement officers or prosecuting attorneys,*

*➥ but only for the purpose of preparing for and mitigating risks to or otherwise protecting the security of elections or as part of a criminal investigation.*

Sec. 8. *1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:*

*(a) Procedures to conduct a risk-limiting audit;*

*(b) Criteria for which elections must be audited; and*

*(c) Criteria to determine the scope of the risk-limiting audit.*

*2. As used in this section, "risk-limiting audit" means an audit protocol that:*

*(a) Makes use of statistical principles and methods; and*

*(b) Is designed to limit the risk of certifying an incorrect election outcome.*

Sec. 9. Section 8 of this act is hereby amended to read as follows:

Sec. 8. 1. The Secretary of State shall adopt regulations for conducting a risk-limiting audit of an election, which may include, without limitation:

(a) Procedures to conduct a risk-limiting audit;

(b) Criteria for which elections must be audited; and

(c) Criteria to determine the scope of the risk-limiting audit.

2. *In accordance with the regulations adopted by the Secretary of State pursuant to this section, each county clerk shall conduct a*

*risk-limiting audit of the results of an election prior to the certification of the results of the election pursuant to NRS 293.395.*

*3.* As used in this section, "risk-limiting audit" means an audit protocol that:

(a) Makes use of statistical principles and methods; and

(b) Is designed to limit the risk of certifying an incorrect election outcome.

Sec. 10. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 2 to 5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 11. NRS 293.12758 is hereby amended to read as follows:

293.12758 1. The county clerk shall issue a receipt to any person who submits a petition for the verification of signatures ~~[or]~~ *pursuant to the election laws of this State, including, without limitation,* a petition ~~[, declaration of or acceptance]~~ of candidacy. The receipt must state:

(a) The number of documents submitted;

(b) The number of pages of each document; and

(c) The number of signatures which the person declares are on the petition.

2. If a petition consists of more than one document, all of the documents must be submitted to the county clerk for verification at the same time.

3. The county clerk shall not accept a petition unless each page of the petition is numbered.

4. Each signature on the petition must be signed in ink. The county clerk shall disregard any signature which is not signed in ink.

5. As used in this section, "document" includes material which is separately compiled and bound together and may consist of one or more sheets of paper.

Sec. 12. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 3, 4 and 5.

2. A vacancy occurring in a nonpartisan office or nomination for a nonpartisan office after the close of filing and before 5 p.m. of the fourth Friday in July of the year in which the general election is held must be filled by the person who receives or received the next highest vote for the nomination in the primary election if a primary election was held for that nonpartisan office. If no primary election was held for that nonpartisan office or if there was not more than one person who was seeking the nonpartisan nomination in the primary election, a person may become a candidate for the nonpartisan office at the general election if the person files a declaration of candidacy ~~[or acceptance of candidacy,]~~ *with the appropriate filing officer* and pays the *filing*

fee required by NRS 293.193 ~~[, on or]~~ after 8 a.m. on the third Monday in June and before 5 p.m. on the fourth Friday in July.

3. If a vacancy occurs in a major political party nomination for a partisan office after the primary election and before 5 p.m. on the fourth Friday in July of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

➥ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. ~~[All designations]~~ *Each designation of a candidate* provided for in this section must be filed ~~[on or]~~ *with the appropriate filing officer* before 5 p.m. on the fourth Friday in July of the year in which the general election is held. In each case, *the candidate must file a declaration of candidacy with the appropriate filing officer and pay* the ~~[statutory]~~ filing fee ~~[must be paid and an acceptance of the designation must be filed on or]~~ *required by NRS 293.193* before 5 p.m. on the date the designation is filed.

Sec. 13. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2, 3 and 4. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of

county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. If a vacancy occurs in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county after the primary election and before 5 p.m. on the fourth Friday in July of the year in which the general election is held and:

(a) The vacancy occurs because the nominee dies or is adjudicated insane or mentally incompetent, the vacancy may be filled pursuant to the provisions of subsection 1.

(b) The vacancy occurs for a reason other than the reasons described in paragraph (a), the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

3. No change may be made on the ballot for the general election after 5 p.m. on the fourth Friday in July of the year in which the general election is held. If, after that time and date:

(a) A nominee dies or is adjudicated insane or mentally incompetent; or

(b) A vacancy in the nomination is otherwise created,

➥ the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

4. ~~[The]~~ *Each* designation of a ~~[nominee pursuant to]~~ *candidate provided for in* this section must be filed with the ~~[Secretary of State on or]~~ *appropriate filing officer* before 5 p.m. on the fourth Friday in July of the year in which the general election is held . ~~[,]~~ *In each case, the candidate must file a declaration of candidacy with the appropriate filing officer* and *pay* the ~~[statutory]~~ filing fee ~~[must be paid with]~~ *required by NRS 293.193 before 5 p.m. on the date* the designation ~~[.]~~ *is filed.*

Sec. 14. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; or

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715,

➥ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election ~~[nor]~~ *and not* later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the *filing* fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State ~~[nor]~~ *and not* later than 5 p.m. on the second Friday after the first Monday in March.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the last Tuesday in August.

Sec. 15. NRS 293.1755 is hereby amended to read as follows:

293.1755 1. In addition to any other requirement provided by law, no person may be a candidate for any office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations of candidacy ~~[or acceptances of candidacy]~~ for the office which the person seeks, the person has, in accordance with NRS 281.050, actually, as opposed to constructively, resided in the State, district, county, township or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or will represent.

2. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement regarding the person's residency in violation of this section is guilty of a gross misdemeanor.

3. The provisions of this section do not apply to candidates for:

(a) Any federal office.

(b) The office of district attorney.

Sec. 16. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy ~~[or an acceptance of candidacy,]~~ *with the appropriate filing officer* and ~~[has]~~ paid the *filing* fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy ~~[or an acceptance of candidacy]~~ required to be filed ~~[by]~~ *pursuant to* this ~~[section]~~ *chapter* must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned ……., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....

(Designation of name)

.....

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada
County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...
.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy ~~[or acceptance of candidacy]~~ pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration ~~[or acceptance]~~ of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration ~~[or acceptance]~~ of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration ~~[or acceptance]~~ of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 17. NRS 293.181 is hereby amended to read as follows:

293.181 1. A candidate for the office of State Senator, Assemblyman or Assemblywoman must execute and file , with his or her declaration of candidacy , ~~[or acceptance of candidacy]~~ a declaration of residency which must be in substantially the following form:

> I, the undersigned, do swear or affirm under penalty of perjury that I have been a citizen resident of this State as required by NRS 218A.200; that I understand that knowingly and willfully filing a declaration of residency which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I have actually, as opposed to constructively, resided at the following residence or residences since November 1 of the preceding year:
>
> ..... .....
> Street Address Street Address

| | |
|---|---|
| ..... | ..... |
| City or Town | City or Town |
| ..... | ..... |
| State | State |
| From.....To..... | From.....To..... |
| Dates of Residency ..... | Dates of Residency |
| ..... | ..... |
| Street Address | Street Address |
| ..... | ..... |
| City or Town | City or Town |
| ..... | ..... |
| State | State |
| From.....To..... | From.....To..... |
| Dates of Residency | Dates of Residency |

(Attach additional sheet or sheets of residences as necessary)

2. Each address of a candidate which must be included in the declaration of residency pursuant to subsection 1 must be the street address of the residence where the candidate actually, as opposed to constructively, resided or resides in accordance with NRS 281.050, if one has been assigned. The declaration of residency must not be accepted for filing if any of the candidate's addresses are listed as a post office box unless a street address has not been assigned to the residence.

3. Any person who knowingly and willfully files a declaration of residency which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 18. NRS 293.182 is hereby amended to read as follows:

293.182 1. After a person files a declaration of candidacy ~~[or an acceptance of candidacy]~~ to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293.202, an elector may file with the filing officer for the office a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the person who is being challenged.

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1:

(a) The Secretary of State shall immediately transmit the challenge to the Attorney General.

(b) A filing officer other than the Secretary of State shall immediately transmit the challenge to the district attorney.

4. If the Attorney General or district attorney determines that probable cause exists to support the challenge, the Attorney General or district attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, or if the person fails to appear at the hearing, the person is subject to the provisions of NRS 293.2045.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged.

Sec. 19. NRS 293.184 is hereby amended to read as follows:

293.184 1. In addition to any other remedy or penalty provided by law, if a person knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement:

(a) The name of the person must not appear on any ballot for the election for which the person filed the declaration of ~~[candidacy or acceptance of]~~ candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed the declaration of ~~[candidacy or acceptance of]~~ candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of NRS 293.2045 apply.

Sec. 20. NRS 293.185 is hereby amended to read as follows:

293.185 ~~[The]~~ *A* declaration of candidacy ~~[, the certificate of candidacy and the acceptance of candidacy]~~ must be filed *with the appropriate filing officer,* during regular office hours, as follows:

1. For United States Senator, Representative in Congress, statewide offices, State Senators, Assemblymen and Assemblywomen to be elected from

districts comprising more than one county, and all other offices whose districts comprise more than one county, with the Secretary of State.

2. For Representative in Congress and district offices voted for wholly within one county, State Senators, Assemblymen and Assemblywomen to be elected from districts comprising but one or part of one county, county and township officers, with the county clerk.

Sec. 21. NRS 293.186 is hereby amended to read as follows:

293.186 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy ~~[, acceptance of candidacy or certificate of candidacy]~~ shall give to the candidate:

1. If the candidate is a candidate for judicial office, the form prescribed by the Administrative Office of the Courts for the making of a financial disclosure statement;

2. If the candidate is not a candidate for judicial office and is required to file electronically the financial disclosure statement, access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the financial disclosure statement electronically and has submitted an affidavit to the Secretary of State pursuant to NRS 281.572, the form prescribed by the Secretary of State,

➥ accompanied by instructions on how to complete the form and the time by which it must be filed.

Sec. 22. NRS 293.187 is hereby amended to read as follows:

293.187 1. Not later than 5 working days after the last day on which ~~[any]~~ *a* candidate *for nonjudicial office* may withdraw his or her candidacy pursuant to NRS 293.202:

(a) The Secretary of State shall forward to each county clerk a certified list containing the name and mailing address of each person for whom candidacy papers *for judicial and nonjudicial office* have been filed in the Office of the Secretary of State, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents; and

(b) Each county clerk shall forward to the Secretary of State a certified list containing the name and mailing address of each person for whom candidacy papers *for judicial and nonjudicial office* have been filed in the office of the county clerk, and who is entitled to be voted for in the county at the next succeeding primary election, together with the title of the office for which the person is a candidate and the party or principles he or she represents.

2. There must be a party designation only for candidates for partisan offices.

Sec. 23. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy ~~[or acceptances of candidacy]~~ must be paid to the filing officer by cash, cashier's check or certified check.

| | |
|---|---|
| United States Senator | $500 |
| Representative in Congress | 300 |
| Governor | 300 |
| Justice of the Supreme Court | 300 |
| Any state office, other than Governor or justice of the Supreme Court | 200 |
| District judge | 150 |
| Justice of the peace | 100 |
| Any county office | 100 |
| State Senator | 100 |
| Assemblyman or Assemblywoman | 100 |
| Any district office other than district judge | 30 |
| Constable or other town or township office | 30 |

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

4. Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

Sec. 24. NRS 293.194 is hereby amended to read as follows:

293.194 The filing fee of an independent candidate who files a petition pursuant to NRS 293.200 or 298.109, of a candidate of a minor political party or of a candidate of a new major political party, must be returned to the candidate by the *filing* officer to whom the fee was paid within 10 days after the date on which a final determination is made that the petition of the candidate, minor political party or new major political party failed to contain the required number of signatures.

Sec. 25. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the appropriate filing officer as set forth in NRS 293.185:

(a) A copy of the petition of candidacy that he or she intends to subsequently circulate for signatures. The copy must be filed not earlier than the January 2 preceding the date of the election and not later than 10 working days before the last day to file the petition pursuant to subsection 4. The copy of the petition must be filed with the appropriate filing officer before the petition may be circulated for signatures.

(b) Either of the following:

(1) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in:

(I) This State for that office at the last preceding general election in which a person was elected to that office, if the office is a statewide office;

(II) The county for that office at the last preceding general election in which a person was elected to that office, if the office is a county office; or

(III) The district for that office at the last preceding general election in which a person was elected to that office, if the office is a district office.

(2) A petition of candidacy signed by 250 registered voters if the candidate is a candidate for statewide office, or signed by 100 registered voters if the candidate is a candidate for any office other than a statewide office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated, and only registered voters of that county may sign the document. If the office is not a statewide office, only the registered voters of the county, district or municipality in question may sign the document. The documents that are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 10 working days before the last day to file the petition pursuant to subsection 4. Each person who signs the petition shall add to his or her signature the address of the place at which the person actually resides, the date that he or she signs the petition and the name of the county where he or she is registered to vote. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his or her knowledge and belief and were signed in his or her presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the third Friday in June.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he or she is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the sufficiency of the petition of the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Friday in June.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The First Judicial District Court if the petition of candidacy was filed with the Secretary of State.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. The district court in which the challenge is filed shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

11. An independent candidate for partisan office must file a declaration of candidacy with the appropriate filing officer and pay the *filing* fee required by NRS 293.193 not earlier than the first Monday in March of the year in which the election is held ~~[nor]~~ *and not* later than 5 p.m. on the second Friday after the first Monday in March.

Sec. 26. NRS 293.203 is hereby amended to read as follows:

293.203 Immediately upon receipt by the county clerk of the certified list of candidates *for judicial and nonjudicial office* from the Secretary of State ~~[,]~~ *pursuant to NRS 293.187,* the county clerk shall publish a notice of primary election or general election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest Nevada county. The notice must contain:

1. The date of the election.
2. The location of the polling places.
3. The hours during which the polling places will be open for voting.
4. The names of the candidates.
5. A list of the offices to which the candidates seek nomination or election.

➥ The notice required for a general election pursuant to this section may be published in conjunction with the notice required for a proposed constitution or constitutional amendment pursuant to NRS 293.253. If the notices are combined in this manner, they must be published three times in accordance with subsection 3 of NRS 293.253.

Sec. 27. NRS 293.204 is hereby amended to read as follows:

293.204 ~~[If]~~ *Except as otherwise provided in NRS 306.110, if* a special election is held pursuant to the provisions of this title, the Secretary of State shall prescribe the ~~[time]~~ *period* during which a candidate must file a declaration ~~[or acceptance]~~ of candidacy ~~[.]~~ *with the appropriate filing officer and pay the filing fee required by NRS 293.193.*

Sec. 28. NRS 293.2045 is hereby amended to read as follows:

293.2045 1. In addition to any other remedy or penalty provided by law, but except as otherwise provided in NRS 293.1265, if a court of competent jurisdiction finds in any preelection action that a person who is a candidate for any office fails to meet any qualification required for the office pursuant to the Constitution or laws of this State:

(a) The name of the person must not appear on any ballot for the election for which the person filed a declaration of ~~[candidacy or acceptance of]~~ candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed a declaration of ~~[candidacy or acceptance of]~~ candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section apply to any preelection action brought to challenge a person who is a candidate for any office on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, including, without limitation, any action brought pursuant to NRS 281.050, 293.182 or 293C.186 or any action brought for:

(a) Declaratory or injunctive relief pursuant to chapter 30 or 33 of NRS;

(b) Writ relief pursuant to chapter 34 of NRS; or

(c) Any other legal or equitable relief.

Sec. 29. NRS 293.209 is hereby amended to read as follows:

293.209 *1.* A political subdivision of this State shall not create, divide, change the boundaries of, abolish or consolidate an election district after the first day of filing by candidates *for nonjudicial office* during any year in which a general election or *general* city ~~[general]~~ election is held for that election district.

*2.* This section does not prohibit a political subdivision from annexing territory in a year in which a general election or *general* city ~~[general]~~ election is held for that election district.

Sec. 30. NRS 293.247 is hereby amended to read as follows:

293.247 1. The Secretary of State shall adopt regulations, not inconsistent with the election laws of this State, for the conduct of primary, general, special and district elections in all cities and counties. Permanent regulations of the Secretary of State that regulate the conduct of a primary, general, special or district election and are effective on or before the last business day of February immediately preceding a primary, general, special or district election govern the conduct of that election.

2. The Secretary of State shall prescribe the forms for a declaration of candidacy ~~[, certificate of candidacy, acceptance of candidacy]~~ and any petition which is filed pursuant to the ~~[general]~~ election laws of this State.

3. The regulations must prescribe:

(a) The manner of printing ballots and the number of ballots to be distributed to precincts and districts;

(b) The form and placement of instructions to voters;

(c) The disposition of election returns;

(d) The procedures to be used for canvasses, ties, recounts and contests, including, without limitation, the appropriate use of a paper record created when a voter casts a ballot on a mechanical voting system that directly records the votes electronically;

(e) The procedures to be used to ensure the security of the ballots from the time they are transferred from the polling place until they are stored pursuant to the provisions of NRS 293.391 or 293C.390;

(f) The procedures to be used to ensure the security and accuracy of computer programs and tapes used for elections;

(g) The procedures to be used for the testing, use and auditing of a mechanical voting system which directly records the votes electronically and which creates a paper record when a voter casts a ballot on the system;

(h) The acceptable standards for the sending and receiving of applications, forms and ballots, by approved electronic transmission, by the county clerks and the electors, registered voters or other persons who are authorized to use approved electronic transmission pursuant to the provisions of this title;

(i) The forms for applications to preregister and register to vote and any other forms necessary for the administration of this title; and

(j) Such other matters as determined necessary by the Secretary of State.

4. The Secretary of State may provide interpretations and take other actions necessary for the effective administration of the statutes and regulations governing the conduct of primary, general, special and district elections in this State.

5. The Secretary of State shall prepare and distribute to each county and city clerk copies of:

(a) Laws and regulations concerning elections in this State;

(b) Interpretations issued by the Secretary of State's Office; and

(c) Any Attorney General's opinions or any state or federal court decisions which affect state election laws or regulations whenever any of those opinions or decisions become known to the Secretary of State.

Sec. 31. NRS 293.257 is hereby amended to read as follows:

293.257 1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy ~~[or acceptance of candidacy]~~ must appear on the primary ballot of the major political party designated.

2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 32. NRS 293.260 is hereby amended to read as follows:

293.260 1. If there is no contest of election for nomination to a particular office, neither the title of the office nor the name of the candidate may appear on the ballot at the primary election.

2. If a major political party has two or more candidates for a particular office, the person who receives the highest number of votes at the primary

election must be declared the nominee of that major political party for the office.

3. If not more than the number of candidates to be elected have filed for nomination for:

(a) Any partisan office or the office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election;

(b) Any nonpartisan office, other than the office of judge of a district court, judge of the Court of Appeals, justice of the Supreme Court or member of a town advisory board, the names of those candidates must appear on the ballot for a primary election unless the candidates were nominated pursuant to subsection 2 of NRS 293.165. If a candidate receives one or more votes at the primary election, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election. If a candidate does not receive one or more votes at the primary election, his or her name must be placed on the ballot for the general election; and

(c) The office of member of a town advisory board, the candidate must be declared elected to the office and no election must be held for that office.

4. If there are not more than twice the number of candidates to be elected to a nonpartisan office, the candidates must, without a primary election, be declared the nominees for the office, and the names of the candidates must be omitted from all ballots for a primary election and placed on all ballots for the general election.

5. If there are more than twice the number of candidates to be elected to a nonpartisan office, the names of the candidates must appear on the ballot for a primary election. ~~[Those]~~ *Except as otherwise provided in NRS 293.400, those* candidates who receive the highest number of votes at the primary election, not to exceed twice the number to be elected, must be declared nominees for the office and the names of those candidates must be placed on the ballot for the general election, except that if one of those candidates receives a majority of the votes cast in the primary election for:

(a) The office of judge of a district court, judge of the Court of Appeals or justice of the Supreme Court, the candidate must be declared the only nominee for the office and only his or her name must be placed on the ballot for the general election.

(b) Any other nonpartisan office, the candidate must be declared elected to the office and his or her name must not be placed on the ballot for the general election.

Sec. 33. NRS 293.2696 is hereby amended to read as follows:

293.2696 The Secretary of State and each county and city clerk shall ensure that each voting system used in this State:

1. Secures to each voter privacy and independence in the act of voting, including, without limitation, confidentiality of the ballot of the voter;

2. Allows each voter to verify privately and independently the votes selected by the voter on the ballot before the ballot is cast and counted;

3. Provides each voter with the opportunity, in a private and independent manner, to change the ballot and to correct any error before the ballot is cast and counted, including, without limitation, the opportunity to correct an error through the issuance of a replacement ballot if the voter is otherwise unable to change the ballot or correct the error;

4. Provides a permanent paper record with a manual audit capacity; and

5. Meets or exceeds the standards for voting systems established by the ~~[Federal]~~ *United States* Election *Assistance* Commission, including, without limitation, the error rate standards.

Sec. 34. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

*1.* *An* election board may *not* perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.

*2. If a county clerk uses an electronic roster, not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, the county clerk shall complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State.*

Sec. 35. NRS 293.400 is hereby amended to read as follows:

293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the Secretary of State shall summon the candidates who have received the tie votes to appear before the Secretary of State at a time and place designated by the Secretary of State and the Secretary of State shall determine the tie by lot. If the tie vote is for the office of Secretary of State, the Governor shall perform these duties.

(c) ~~[For]~~ *In a primary election for any partisan office of or general election for* any *partisan or nonpartisan* office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote ~~[,]~~ *in such an election,* or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before the county clerk at a time and place

designated by the county clerk and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

*(d) In a primary election for ~~[a]~~ any nonpartisan office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote ~~[,]~~ in such an election, or district which is wholly located within one county:*

*(1) If the candidates who received the tie votes received the highest number of votes at the primary election, all of those candidates must be declared nominees for the office and placed on the ballot for the general election.*

*(2) If the candidates who have received the tie votes did not receive the highest number of votes but received the next highest number of votes, the candidate who received the highest number of votes at the primary election and the candidates who received the tie votes at the primary election must be declared the nominees for the office and placed on the ballot for the general election ~~[.]~~ unless:*

*(I) The candidate who received the highest number of votes at the primary election received a majority of the votes cast in the primary election; and*

*(II) The provisions of NRS 293.260 or 293C.175 or any other law or special charter require such a candidate to be declared elected to the office at the primary election.*

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon the candidate's declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie.

Sec. 36. NRS 293.403 is hereby amended to read as follows:

293.403 1. A candidate defeated at any election may demand and receive a recount of the vote for the office for which he or she is a candidate to determine the number of votes received for the candidate and the number of votes received for the person who won the election if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes the candidate who demands the recount:

(a) Files in writing a demand with the officer with whom the candidate filed his or her declaration of ~~[candidacy or acceptance of]~~ candidacy; and

(b) Deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes, the voter:

(a) Files in writing a demand with:

(1) The Secretary of State, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) Deposits in advance the estimated costs of the recount with the person to whom the demand was made.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the Secretary of State defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election, the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the Supreme Court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 37. NRS 293.437 is hereby amended to read as follows:

293.437 1. The county or city clerk may designate any building, public or otherwise, or any portion of a building, as the site for any polling place or any number of polling places for any of the precincts or districts in the county or city.

2. If, in the opinion of the county or city clerk, the convenience and comfort of the voters and election officers will be best served by putting two or more polling places in any such building, or if, in the opinion of the county or city clerk, the expense to the county or city for polling places can be diminished by putting two or more polling places in any such building, the county or city clerk may so provide.

3. In precincts where there are no public buildings or other appropriate locations owned by the State, county, township, city, town or precinct, privately owned locations may be rented at a rate not to exceed $35 for each election if only one precinct is involved and at a rate not to exceed $50 for each election if more than one precinct is involved.

*4. The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a polling place pursuant to subsection 3, except to the extent necessary to conduct voting at that location.*

Sec. 38. NRS 293.518 is hereby amended to read as follows:

293.518 1. Except as otherwise provided in sections 3 and 4 of the 2018 Ballot Question No. 5, the Automatic Voter Registration Initiative, at the time

a person preregisters or an elector registers to vote, the person or elector must indicate:

(a) A political party affiliation; or

(b) That he or she is not affiliated with a political party.

➥ A person or an elector who indicates that he or she is "independent" shall be deemed not affiliated with a political party.

2. If a person or an elector indicates that he or she is not affiliated with a political party, or is independent, the county clerk or field registrar of voters shall list the person's or elector's political party as nonpartisan.

3. If a person or an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall list the person's or elector's political party as indicated by the person or elector.

4. If a person or an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the Secretary of State, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as the party indicated in the application to preregister or register to vote, as applicable.

(b) When compiling data related to preregistration and voter registration for the county, report the person's or elector's political party as "other party."

5. ~~[If]~~ *Except as otherwise provided in subsection 6, if* a person or an elector does not make any of the indications described in subsection 1, the county clerk or field registrar of voters shall:

(a) List the person's or elector's political party as nonpartisan; and

(b) Mail to the person or elector a notice setting forth that the person has been preregistered or the elector has been registered to vote, as applicable, as a nonpartisan because he or she did not make any of the indications described in subsection 1.

*6. Except as otherwise provided in subsection 7, if a person who is preregistered or registered to vote:*

*(a) Submits a new paper application to preregister or register to vote in the same county in which the person is preregistered or registered to vote; and*

*(b) The person does not make any of the indications described in subsection 1 on the new paper application,*

➥ *the county clerk or field registrar of voters shall not change the person's existing political party affiliation that was established by his or her prior application pursuant to this section and is listed in the current records of the county clerk.*

*7. The provisions of subsection 6 do not apply to a voter who registers to vote using the National Mail Voter Registration Application promulgated by the United States Election Assistance Commission pursuant to the National Voter Registration Act, 52 U.S.C. § 20501 et seq., as amended.*

Sec. 39. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 and chapter 293D of NRS, a person may preregister or register to vote by mailing

an application to preregister or register to vote to the county clerk of the county in which the person resides or may preregister or register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote. The county clerk shall, upon request, mail an application to preregister or register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to preregister to vote may be used to correct information in a previous application. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to preregister or register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is preregistered or registered to vote, as applicable. If the applicant is registered to vote, the county clerk must also mail to the applicant a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in ~~[subsection]~~ *subsections* 5 *and 6* of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is:

(1) Preregistered to vote; or

(2) Registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the person's application to preregister to vote or the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be preregistered or registered or to have corrected the information in the application to preregister to vote or the registrar of voters' register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for applications to preregister or register to vote by:

(a) Mail, which must be used to preregister or register to vote by mail in this State.

(b) Computer, which must be used to preregister or register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to preregister or register to vote.

10. The application to preregister or register to vote by mail must include:

(a) A notice in at least 10-point type which states:

> NOTICE: You are urged to return your application to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be preregistered or registered to vote, as applicable. Please retain the duplicate copy or receipt from your application to preregister or register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) If the application is to:

(1) Preregister to vote, the question, "Are you at least 17 years of age and not more than 18 years of age?" and boxes to indicate whether or not the applicant is at least 17 years of age and not more than 18 years of age.

(2) Register to vote, the question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in:

(1) If the application is to preregister to vote, paragraph (b) or subparagraph (1) of paragraph (c).

(2) If the application is to register to vote, paragraph (b) or subparagraph (2) of paragraph (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is preregistering or registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of

subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in ~~[subsection]~~ *subsections* 5 *and 6* of NRS 293.518, the county clerk shall not preregister or register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to preregister or register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, preregisters or registers to vote pursuant to this section may be assisted in completing the application to preregister or register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to preregister or register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 40. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300:

(a) For a primary or general election, or a recall or special election that is held on the same day as a primary or general election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary or general election.

(2) By appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035, is the third Tuesday preceding the primary or general election.

(3) By computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters, is the Thursday preceding the first day of the period for early voting.

(b) If a recall or special election is not held on the same day as a primary or general election, the last day to register to vote for the recall or special election

by any ~~[means]~~ *method of registration* is the third Saturday preceding the recall or special election.

2. For a primary or special election, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In a county whose population is less than 100,000, the office of the county clerk may close at 5 p.m. during the last 2 days a person may register to vote in person if approved by the board of county commissioners.

3. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day and time that *each method of* registration *for the election, as set forth in subsection 1,* will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the ~~[close]~~ *day that the last method* of registration for ~~[any]~~ *the* election ~~[.]~~ *, as set forth in subsection 1, will be closed.*

5. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

6. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 41. NRS 293B.063 is hereby amended to read as follows:

293B.063 No mechanical voting system may be used in this State unless it meets or exceeds the standards for voting systems established by the ~~[Federal]~~ *United States* Election *Assistance* Commission . ~~[pursuant to federal law.]~~

Sec. 42. NRS 293B.104 is hereby amended to read as follows:

293B.104 The Secretary of State shall not approve any mechanical voting system which does not meet or exceed the standards for voting systems established by the ~~[Federal]~~ *United States* Election *Assistance* Commission . ~~[pursuant to federal law.]~~

Sec. 43. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

*1. An election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it the roster for the polling place.*

*2. If a city clerk uses an electronic roster, not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, the city clerk shall complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State.*

*Sec. 43.5.* NRS 293C.180 is hereby amended to read as follows:

293C.180 1. If at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate who has filed for nomination for an office, that candidate must be declared elected and no election may be held for that office.

2. Except as otherwise provided in subsection 1, if not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary city election and placed on all ballots for a general city election.

3. If more than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must appear on the ballot for a primary city election. Except as otherwise provided in *NRS 293.400 and* subsection 4 of NRS 293C.175, those candidates who receive the highest number of votes at that election, not to exceed twice the number to be elected, must be declared nominees for the office.

Sec. 44. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy ~~[or an acceptance of candidacy]~~ *with the appropriate filing officer* and ~~[has]~~ paid the *filing* fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed ~~[by]~~ *pursuant to* this ~~[section]~~ *chapter* must be in substantially the following form:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada
City of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ....., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration ~~[or acceptance]~~ of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration ~~[or acceptance]~~ of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration ~~[or acceptance]~~ of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration ~~[or acceptance]~~ of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 45. NRS 293C.186 is hereby amended to read as follows:

293C.186 1. After a person files a declaration of candidacy ~~[or an acceptance of candidacy]~~ to be a candidate for an office, and not later than 5 days after the last day the person may withdraw his or her candidacy pursuant to NRS 293C.195, an elector may file with the city clerk a written challenge of the person on the grounds that the person fails to meet any qualification required for the office pursuant to the Constitution or laws of this State. Before accepting the challenge from the elector, the filing officer shall notify the elector that if the challenge is found by a court to be frivolous, the elector may be required to pay the reasonable attorney's fees and court costs of the person who is being challenged.

2. A challenge filed pursuant to subsection 1 must:

(a) Indicate each qualification the person fails to meet;

(b) Have attached all documentation and evidence supporting the challenge; and

(c) Be in the form of an affidavit, signed by the elector under penalty of perjury.

3. Upon receipt of a challenge pursuant to subsection 1, the city clerk shall immediately transmit the challenge to the city attorney.

4. If the city attorney determines that probable cause exists to support the challenge, the city attorney shall, not later than 5 working days after receiving the challenge, petition a court of competent jurisdiction to order the person to appear before the court. Upon receipt of such a petition, the court shall enter an order directing the person to appear before the court at a hearing, at a time and place to be fixed by the court in the order, to show cause why the challenge is not valid. A certified copy of the order must be served upon the person. The court shall give priority to such proceedings over all other matters pending with the court, except for criminal proceedings.

5. If, at the hearing, the court determines by a preponderance of the evidence that the challenge is valid or that the person otherwise fails to meet any qualification required for the office pursuant to the Constitution or laws of this State, or if the person fails to appear at the hearing, the person is subject to the provisions of NRS 293.2045.

6. If, at the hearing, the court determines that the challenge is frivolous, the court may order the elector who filed the challenge to pay the reasonable attorney's fees and court costs of the person who was challenged.

Sec. 46. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 1. In addition to any other remedy or penalty provided by law, if a person knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement:

(a) The name of the person must not appear on any ballot for the election for which the person filed the declaration of ~~[candidacy or acceptance of]~~ candidacy, except that if the statutory deadline for making changes to the ballot has passed, the provisions of subsection 2 apply; and

(b) The person is disqualified from entering upon the duties of the office for which the person filed the declaration of ~~[candidacy or acceptance of]~~ candidacy.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election because the statutory deadline for making changes to the ballot has passed, the appropriate election officers shall post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of the office.

3. The provisions of this section may be enforced in any preelection action to which the provisions of NRS 293.2045 apply.

Sec. 47. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March ~~[in a]~~ *of the* year in which ~~[a]~~ *the* general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March ~~[.]~~ *of the year in which the general city election is held.* A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.

2. Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after 5 p.m. of the first Tuesday after the first Monday in March and on or before 5 p.m. of the second Tuesday after the second Monday in April *of the year in which the general city election is held* must be filled by the person who received the next highest vote for the nomination in the primary city election.

3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, no change may be made on the ballot for the general city election after 5 p.m. of the second Tuesday after the second Monday in April of the year in which the

general city election is held. If a nominee dies after that time and date, the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.

4. Except as otherwise provided in NRS 293C.115, ~~[all designations provided for in this section must be filed on or before 5 p.m. on the second Tuesday after the second Monday in April of the year in which the general city election is held. The]~~ *a candidate nominated pursuant to subsection 1 must file a declaration of candidacy with the appropriate filing officer and pay the* filing fee ~~[must be paid and an acceptance of the designation must be filed]~~ *established by the governing body of the city* on or before 5 p.m. on ~~[that]~~ *the* date ~~[.]~~ *on which the nominating petition is filed pursuant to subsection 1 or on the third Tuesday after the third Monday in March of the year in which the general city election is held, whichever occurs first.*

Sec. 48. NRS 293C.195 is hereby amended to read as follows:

293C.195 A withdrawal of candidacy for a city office must be in writing and presented to the city clerk by the candidate in person within 2 days, excluding Saturdays, Sundays and holidays, after the last day for filing a declaration of ~~[candidacy or an acceptance of]~~ candidacy.

Sec. 49. NRS 293C.200 is hereby amended to read as follows:

293C.200 1. In addition to any other requirement provided by law, no person may be a candidate for a city office unless, for at least the 30 days immediately preceding the date of the close of filing of declarations ~~[or acceptances]~~ of candidacy for the office that the person seeks, the person has in accordance with NRS 281.050, actually, as opposed to constructively, resided in the city or other area prescribed by law to which the office pertains and, if elected, over which he or she will have jurisdiction or which he or she will represent.

2. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement regarding the person's residency in violation of this section is guilty of a gross misdemeanor.

Sec. 50. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502, 293D.230 and 293D.300:

(a) For a primary city election or general city election, or a recall or special election that is held on the same day as a primary city election or general city election, the last day to register to vote:

(1) By mail is the fourth Tuesday preceding the primary city election or general city election.

(2) By appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520, is the third Tuesday preceding the primary city election or general city election.

(3) By computer, if the county clerk of the county in which the city is located has established a system pursuant to NRS 293.506 for using a computer to register voters and:

(I) The governing body of the city has provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the Thursday preceding the first day of the period for early voting.

(II) The governing body of the city has not provided for early voting by personal appearance pursuant to paragraph (b) of subsection 2 of NRS 293C.110, is the third Tuesday preceding any primary city election or general city election.

(b) If a recall or special election is not held on the same day as a primary city election or general city election, the last day to register to vote for the recall or special election by any ~~[means]~~ *method of registration* is the third Saturday preceding the recall or special election.

2. For a primary city election or special city election, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

3. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which a person may register to vote in person. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which a person may register to vote in person, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

4. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day and time that *each method of* registration *for the election, as set forth in subsection 1,* will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the ~~[close]~~ *day on which the last method* of registration for ~~[any]~~ *the* election ~~[.]~~ *, as set forth in subsection 1, will be closed.*

5. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 51. NRS 294A.0035 is hereby amended to read as follows:

294A.0035 "Campaign expenses" means:

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

(k) Fees for filing declarations of ~~[candidacy or acceptances of]~~ candidacy; and

(l) Repayment or forgiveness of a loan.

2. Expenditures, as defined in NRS 294A.0075.

3. The disposal of any unspent contributions pursuant to NRS 294A.160.

Sec. 52. NRS 294A.005 is hereby amended to read as follows:

294A.005 "Candidate" means any person:

1. Who files a declaration of candidacy;

2. ~~[Who files an acceptance of candidacy;~~

~~3.]~~ Whose name appears on an official ballot at any election; or

~~[4.]~~ *3.* Who has received one or more contributions in excess of $100, regardless of whether:

(a) The person has filed a declaration of ~~[candidacy or an acceptance of]~~ candidacy; or

(b) The name of the person appears on an official ballot at any election.

Sec. 53. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a contribution for the candidate's personal use.

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election,

general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of ~~[candidacy or an acceptance of]~~ candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office who withdraws after filing a declaration of ~~[candidacy or an acceptance of]~~ candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of $5,000 to the contributor.

6. Except for a former public officer who is subject to the provisions of subsection 10, every person who qualifies as a candidate by receiving one or

more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of ~~[candidacy or an acceptance of]~~ candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

7. Except as otherwise provided in subsection 8, every public officer who:

(a) Does not run for reelection to the office which he or she holds;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

8. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

9. Except as otherwise provided in subsection 10, every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100.

10. Every former public officer described in subsection 9 who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of ~~[candidacy or an acceptance of]~~ candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

11. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

12. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

13. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

14. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection ~~[4]~~ *3* of NRS 294A.005.

Sec. 54. NRS 294A.290 is hereby amended to read as follows:

294A.290 1. The filing officer shall give to each candidate who files a declaration of candidacy ~~[or acceptance of candidacy]~~ a copy of the form set forth in subsection 2. The filing officer shall inform the candidate that subscription to the Code is voluntary.

2. The Code must be in the following form:

CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty and fair play which every candidate for public office in the State of Nevada has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, the voters may exercise their constitutional right to vote for the candidate of their choice and that the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

1. I will conduct my campaign openly and publicly and limit attacks against my opponent to legitimate challenges to my opponent's voting record or qualifications for office.

2. I will not use character defamation or other false attacks on a candidate's personal or family life.

3. I will not use campaign material which misrepresents, distorts or otherwise falsifies the facts, nor will I use malicious or unfounded accusations which are intended to create or exploit doubts, without justification, about the personal integrity of my opposition.

4. I will not condone any dishonest or unethical practice which undermines the American system of free elections or impedes or prevents the full and free expression of the will of the voters.

I, the undersigned, as a candidate for election to public office in the State of Nevada, hereby voluntarily pledge myself to conduct my campaign in accordance with the principles and practices set forth in this Code.

..... .....

Date Signature of Candidate

3. A candidate who subscribes to the Code and submits the form set forth in subsection 2 to the filing officer may indicate on the candidate's campaign materials that he or she subscribes to the Code.

4. The Secretary of State shall provide a sufficient number of copies of the form to the county clerks, registrar of voters and other filing officers.

Sec. 55. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report required pursuant to NRS 294A.210, 294A.220 and 294A.280 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each campaign expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the campaign expense or expenditure and the date on which the campaign expense was incurred or the expenditure was made.

2. The categories of campaign expense or expenditure for use on the report of campaign expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund;

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250;

(l) Fees for filing declarations ~~[of candidacy or acceptances]~~ of candidacy;

(m) Repayments or forgiveness of loans;

(n) The disposal of unspent contributions pursuant to NRS 294A.160; and

(o) Other miscellaneous expenses.

3. Each report of campaign expenses or expenditures described in subsection 1 must:

(a) List the disposition of any unspent contributions using the categories set forth in subsection 3 of NRS 294A.160 or subsection 3 of NRS 294A.286, as applicable; and

(b) For any campaign expense or expenditure that is paid for using a credit card or debit card, itemize each transaction and identify the business or other entity from whom the purchase of the campaign expense or expenditure was made.

Sec. 56. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. ~~[An acceptance of candidacy;~~

~~3.]~~ The registration of a nonprofit corporation pursuant to NRS 294A.225, a committee for political action pursuant to NRS 294A.230 or a committee for the recall of a public officer pursuant to NRS 294A.250; or

~~[4.]~~ *3.* The reporting of the creation of a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate or entity with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 or 294A.280 relating to the making, accepting or reporting of contributions, campaign expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 57. NRS 295.015 is hereby amended to read as follows:

295.015 1. Before a petition for initiative or referendum may be presented to the registered voters for their signatures, the person who intends to circulate the petition must:

(a) File a copy of the petition for initiative or referendum, including the description *of the effect of the initiative or referendum* required pursuant to NRS 295.009, with the Secretary of State.

(b) Submit to the Secretary of State on a form prescribed by the Secretary of State:

(1) The name and signature of the person.

(2) If the person has formed a committee for political action for the purposes of advocating the passage of the initiative or referendum, the name of that committee for political action.

(3) The names of not more than three persons who are authorized to withdraw the petition or submit an amended petition.

2. If a petition for initiative or referendum or ~~[a]~~ *the* description of the effect of ~~[an]~~ *the* initiative or referendum required pursuant to NRS 295.009 is amended after the petition is placed on file with the Secretary of State pursuant to subsection 1:

(a) The revised petition must be placed on file with the Secretary of State before it is presented to the registered voters for their signatures;

(b) Any signatures that were collected on the original petition before it was amended are not valid; and

(c) The requirements for submission of the petition to each county clerk set forth in NRS 295.056 apply to the revised petition.

3. Upon receipt of a petition for initiative or referendum placed on file pursuant to subsection 1 or 2:

(a) *The Secretary of State shall assign to the petition for initiative or referendum a unique identifier that must:*

*(1) Consist of a serial number or letter, or both; and*

*(2) Distinguish among each different type of petition received.*

*(b)* The Secretary of State shall consult with the Fiscal Analysis Division of the Legislative Counsel Bureau to determine ~~[if]~~ *whether* the *petition for* initiative or referendum may have any anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters. If the Fiscal Analysis Division determines that the *petition for* initiative or referendum may have an anticipated financial effect on the State or local governments if the initiative or referendum is approved by the voters, the *Fiscal Analysis* Division must prepare a fiscal note *regarding the petition* that includes an explanation of any such effect.

~~[(b)]~~ *(c)* The Secretary of State shall consult with the Legislative Counsel regarding the petition for initiative or referendum. The Legislative Counsel may provide technical suggestions regarding the petition for initiative or referendum.

4. Not later than 10 business days after the Secretary of State receives a petition for initiative or referendum filed pursuant to subsection 1 or 2, the Secretary of State shall post *on the Secretary of State's Internet website* a copy of the petition, including ~~[the]~~ *:*

*(a) The* description *of the effect of the initiative or referendum* required pursuant to NRS 295.009 ~~[, any]~~ *;*

*(b) The unique identifier assigned to the petition by the Secretary of State pursuant to subsection 3;*

*(c) Any* fiscal note *regarding the petition* prepared *by the Fiscal Analysis Division* pursuant to subsection 3 *;* and ~~[any]~~

*(d) Any* suggestions *regarding the petition* made by the Legislative Counsel pursuant to subsection 3 . ~~[, on the Secretary of State's Internet website.]~~

Sec. 58. NRS 304.240 is hereby amended to read as follows:

304.240 1. If the Governor issues an election proclamation calling for a special election pursuant to NRS 304.230, no primary election may be held.

*2.* Except as otherwise provided in this ~~[subsection,]~~ *this section*, a candidate must be nominated in the manner provided in chapter 293 of NRS and must file a declaration ~~[or acceptance]~~ of candidacy *with the appropriate filing officer and pay the filing fee required by NRS 293.193* within the time prescribed by the Secretary of State pursuant to NRS 293.204, which must be established to allow a sufficient amount of time for the mailing of election ballots.

*3.* A candidate of a major political party is nominated by filing a declaration ~~[or acceptance]~~ of candidacy *with the appropriate filing officer and paying the filing fee required by NRS 293.193* within the time prescribed by the Secretary of State pursuant to NRS 293.204.

*4.* A minor political party that wishes to place its candidates on the ballot must file a list of its candidates with the Secretary of State not more than 46 days before the special election and not less than 32 days before the special election.

*5.* To have his or her name appear on the ballot, an independent candidate must file a petition of candidacy with the appropriate filing officer not more than 46 days before the special election and not less than 32 days before the special election.

~~[2.]~~ *6.* Except as otherwise provided in NRS 304.200 to 304.250, inclusive:

(a) The election must be conducted pursuant to the provisions of chapter 293 of NRS.

(b) The general election laws of this State apply to the election.

Sec. 59. NRS 306.015 is hereby amended to read as follows:

306.015 1. Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition must file a notice of intent with the filing officer ~~[.]~~ *with whom the public officer filed his or her declaration of candidacy.*

2. The notice of intent:

(a) Must be signed by three registered voters who actually voted in this State or in the county, district or municipality electing the officer at the last preceding general election.

(b) Must be signed before a person authorized by law to administer oaths that the statements and signatures contained in the notice are true.

(c) Is valid until the date on which the call for a special election is issued, as set forth in NRS 306.040.

3. The petition may consist of more than one document. The persons filing the notice of intent shall submit the petition that was circulated for signatures to the filing officer within 90 days after the date on which the notice of intent was filed. The filing officer shall immediately submit the petition to the county clerk for verification pursuant to NRS 306.035. Any person who fails to submit

the petition to the filing officer as required by this subsection is guilty of a misdemeanor. Copies of the petition are not valid for any subsequent petition.

4. The county clerk shall, upon completing the verification of the signatures on the petition, file the petition with the filing officer.

5. Any person who signs a petition to recall any public officer may request that the county clerk remove the person's name from the petition by submitting a request in writing to the county clerk at any time before the petition is submitted for the verification of the signatures thereon pursuant to NRS 306.035.

6. A person who signs a notice of intent pursuant to subsection 1 or a petition to recall a public officer is immune from civil liability for conduct related to the exercise of the person's right to participate in the recall of a public officer.

~~[7. As used in this section, "filing officer" means the officer with whom the public officer to be recalled filed his or her declaration of candidacy or acceptance of candidacy pursuant to NRS 293.185, 293C.145 or 293C.175.]~~

Sec. 60. NRS 306.110 is hereby amended to read as follows:

306.110 1. A petition to nominate other candidates for the office must be signed by registered voters of the State, or of the county, district or municipality holding the election, equal in number to 25 percent of the number of registered voters who voted in the State, or in the county, district or municipality holding the election at the general election at which the public officer was elected. Each petition may consist of more than one document. Each document must bear the name of one county and must not be signed by a person who is not a registered voter of that county.

2. The nominating petition must be filed, at least 20 days before the date of the special election, with the *filing* officer with whom the recall petition is filed. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document.

3. ~~[Each]~~ *A* candidate who is nominated for office *pursuant to this section* must file ~~[an acceptance]~~ *a declaration* of candidacy with the appropriate filing officer and pay the *filing* fee required by NRS 293.193 or by the governing body of a city at least 20 days before the date of the special election.

Sec. 61. NRS 217.468 is hereby amended to read as follows:

217.468 1. Except as otherwise provided in subsections 2 and 3, the Division shall cancel the fictitious address of a participant 4 years after the date on which the Division approved the application.

2. The Division shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is cancelled, the participant shows to the satisfaction of the Division that the participant remains in imminent danger of becoming a victim of domestic violence, human trafficking, sexual assault or stalking.

3. The Division may cancel the fictitious address of a participant at any time if:

(a) The participant changes his or her confidential address from the one listed in the application and fails to notify the Division within 48 hours after the change of address;

(b) The Division determines that false or incorrect information was knowingly provided in the application; or

(c) The participant files a declaration ~~[or acceptance]~~ of candidacy ~~[pursuant to NRS 293.177 or 293C.185.]~~ *, as defined in section 2 of this act.*

Sec. 62. Chapter 218A of NRS is hereby amended by adding thereto a new section to read as follows:

*"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.*

Sec. 63. NRS 218A.003 is hereby amended to read as follows:

218A.003 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 218A.006 to 218A.090, inclusive, *and section 62 of this act* have the meanings ascribed to them in those sections.

Sec. 64. NRS 218A.635 is hereby amended to read as follows:

218A.635 1. Except as otherwise provided in subsections 2 and 4, for each day or portion of a day during which a Legislator attends a presession orientation conference, a training session conducted pursuant to NRS 218A.285 or a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature, the Legislator is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:

(a) It is conducted by a statutory committee or a legislative committee and the Legislator is a member of that committee; or

(b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.

3. For the purposes of this section, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration ~~[or an acceptance]~~ of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. This section does not apply:

(a) During a regular or special session; or

(b) To any Legislator who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.

Sec. 65. NRS 218A.660 is hereby amended to read as follows:

218A.660 1. Except as otherwise provided in this section and NRS 218A.655, each Legislator is entitled to receive, during the legislative interim, an allowance for travel within the State to participate in a meeting of a legislative committee or subcommittee of which the Legislator is not a member or with an officer, employee, agency, board, bureau, commission, department, division, district or other unit of federal, state or local government or any other public entity regarding an issue relating to the State.

2. The allowance for travel payable pursuant to this section applies only to trips whose one-way distance is 50 miles or more or whose round-trip distance is 100 miles or more.

3. The maximum allowance for travel payable to each Legislator pursuant to this section during a legislative interim is $3,000, except that no allowance for travel pursuant to this section is payable to a Legislator for travel that occurs during the legislative interim at any time after the date on which the Legislator has filed a declaration ~~[or an acceptance]~~ of candidacy for an elective office and remains a candidate for that office.

4. Transportation must be by the most economical means, considering total cost and time spent in transit. The allowance is:

(a) If the travel is by private conveyance, the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax.

(b) If the travel is not by private conveyance, the actual amount expended.

5. Claims made pursuant to this section must be paid from the Legislative Fund unless otherwise provided by specific statute. A claim must not be paid unless the Legislator submits a signed statement affirming:

(a) The date of travel;

(b) The purpose of the travel and of the participant's attendance; and

(c) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

Sec. 66. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. Except as otherwise provided in this section, each:

(a) Incumbent member of the Assembly may request the drafting of:

(1) Not more than 4 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 5 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(b) Incumbent member of the Senate may request the drafting of:

(1) Not more than 8 legislative measures submitted to the Legislative Counsel on or before August 1 preceding a regular session;

(2) Not more than 10 legislative measures submitted to the Legislative Counsel after August 1 but on or before December 10 preceding a regular session; and

(3) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eight day of the regular session at 5 p.m.

(c) Newly elected member of the Assembly may request the drafting of:

(1) Not more than 5 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 1 legislative measure submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

(d) Newly elected member of the Senate may request the drafting of:

(1) Not more than 10 legislative measures submitted to the Legislative Counsel on or before December 10 preceding a regular session; and

(2) Not more than 2 legislative measures submitted to the Legislative Counsel after a regular session has convened but on or before the eighth day of the regular session at 5 p.m.

2. Except as otherwise provided in this subsection, on or before the first day of a regular session, each:

(a) Incumbent member of the Assembly must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (a) of subsection 1 that he or she withdraws.

➥ If an incumbent member of the Assembly does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (a) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(b) Incumbent member of the Senate must:

(1) Prefile at least 8 of the legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1; or

(2) Inform the Legislative Counsel of which 8 legislative measures that he or she requested pursuant to subparagraphs (1) and (2) of paragraph (b) of subsection 1 that he or she withdraws.

➥ If an incumbent member of the Senate does not request the maximum number of legislative measures authorized by subparagraphs (1) and (2) of paragraph (b) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(c) Newly elected member of the Assembly must:

(1) Prefile at least 2 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1; or

(2) Inform the Legislative Counsel of which 2 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (c) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Assembly does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (c) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

(d) Newly elected member of the Senate must:

(1) Prefile at least 4 of the legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1; or

(2) Inform the Legislative Counsel of which 4 legislative measures that he or she requested pursuant to subparagraph (1) of paragraph (d) of subsection 1 that he or she withdraws.

➥ If a newly elected member of the Senate does not request the maximum number of legislative measures authorized by subparagraph (1) of paragraph (d) of subsection 1, the number of legislative measures that he or she must prefile or withdraw pursuant to this paragraph is reduced by that number of unused requests.

3. A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration ~~[or an acceptance]~~ of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. A Legislator may not request the drafting of a legislative measure pursuant to paragraph (a) or (b) of subsection 1 on or after the date on which the Legislator files a declaration ~~[or an acceptance]~~ of candidacy for election to the House in which he or she is not currently a member. If the Legislator is elected to the other House, any request that he or she submitted pursuant to paragraph (a) or (b) of subsection 1 before filing his or her declaration ~~[or acceptance]~~ of candidacy for election counts against the applicable limitation set forth in paragraph (c) or (d) of subsection 1 for the House in which the Legislator is a newly elected member.

5. In addition to the number of requests authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular session, or a person designated in the place of the chair by the Speaker

of the Assembly or the Majority Leader of the Senate, may request before the date of the general election preceding a regular session the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 18 legislative measures that were referred to the respective standing committee during the immediately preceding regular session.

(b) A person designated after the general election as a chair of a standing committee for the next regular session, or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular session, may request on or before December 10 preceding that regular session the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 67. NRS 239.010 is hereby amended to read as follows:

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

388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 7 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner

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

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

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

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

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

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

Sec. 68. NRS 244.027 is hereby amended to read as follows:

244.027 1. Whenever two or more members of a board of county commissioners are to be elected at the same election for the same term in any county in this state having less than 100,000 population, and the county has not been divided into commissioner districts in the manner provided by NRS 244.050, the county clerk shall designate the offices to be filled alphabetically or numerically. ~~[Such]~~ *The* designation ~~[shall]~~ *must* be made on or before the first Monday in June of the year in which ~~[such]~~ *the* election is held.

2. For purposes of election , the offices ~~[shall]~~ *must* be considered separate offices and no declaration of candidacy ~~[or acceptance of candidacy shall]~~ , *as defined in section 2 of this act, must* be accepted unless ~~[such]~~ *the* declaration ~~[or acceptance]~~ *of candidacy* indicates the particular office for which ~~[the declaration or acceptance]~~ *it* is filed.

Sec. 69. NRS 248.005 is hereby amended to read as follows:

248.005 1. No person is eligible to the office of sheriff unless the person:

(a) Will have attained the age of 21 years on the date he or she would take office if so elected;

(b) Is a qualified elector; and

(c) On or after January 1, 2010, meets the requirements set forth in subsection 2 or 3, as applicable.

2. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is 100,000 or more, the

person must meet the following requirements at the time he or she files his or her declaration of candidacy ~~[or acceptance of candidacy]~~ for the office:

(a) He or she has a history of at least 5 consecutive years of employment or service:

(1) As a peace officer;

(2) As a law enforcement officer of an agency of the United States;

(3) As a law enforcement officer of another state or political subdivision thereof; or

(4) In any combination of the positions described in subparagraphs (1), (2) and (3); and

(b) He or she has:

(1) Been certified as a category I peace officer by the Commission;

(2) Been certified as a category I peace officer or its equivalent by the certifying authority of another state that, as determined by the Commission, imposes requirements for certification as a category I peace officer in this State; or

(3) Successfully completed a federal law enforcement training program approved by the Commission.

3. If a person described in paragraph (c) of subsection 1 is a candidate for the office of sheriff in a county whose population is less than 100,000, the person is not required to meet any requirements with respect to employment, service, certification or training at the time he or she files his or her declaration of candidacy ~~[or acceptance of candidacy]~~ for the office. However, such a person forfeits his or her office if, within 1 year after the date on which the person takes office, the person fails to earn certification by the Commission as a category I peace officer, category II peace officer or category III peace officer.

4. A person who has been convicted of a felony in this State or any other state is not qualified to be a candidate for or elected or appointed to the office of sheriff regardless of whether the person has been restored to his or her civil rights.

5. As used in this section:

(a) "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

(b) "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

(c) "Category III peace officer" has the meaning ascribed to it in NRS 289.480.

(d) "Commission" means the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

(e) *"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.*

*(f)* "Peace officer" has the meaning ascribed to it in NRS 289.010.

Sec. 70. NRS 266.038 is hereby amended to read as follows:

266.038 A person who wishes to become a candidate for an elective office of a newly created city must:

1. Reside within the boundaries of the newly created city; and

2. File a declaration of candidacy *, as defined in section 2 of this act,* with the county clerk not less than 30 days ~~[nor]~~ *and not* more than 90 days before the date of the election.

Sec. 71. NRS 281.050 is hereby amended to read as follows:

281.050 1. The residence of a person with reference to his or her eligibility to any office is the person's actual residence within the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, during all the period for which residence is claimed by the person.

2. Except as otherwise provided in subsections 3 and 4, if any person absents himself or herself from the jurisdiction of that person's actual residence with the intention in good faith to return without delay and continue such actual residence, the period of absence must not be considered in determining the question of residence.

3. If a person who has filed a declaration of candidacy ~~[or acceptance of candidacy]~~ for any elective office moves the person's actual residence out of the State, county, district, ward, subdistrict or any other unit prescribed by law, as the case may be, in which the person is required actually, as opposed to constructively, to reside in order for the person to be eligible to the office, a vacancy is created thereby and the appropriate action for filling the vacancy must be taken.

4. Once a person's actual residence is fixed, the person shall be deemed to have moved the person's actual residence for the purposes of this section if:

(a) The person has acted affirmatively and has actually removed himself or herself from the place of permanent habitation where the person actually resided and was legally domiciled;

(b) The person has an intention to abandon the place of permanent habitation where the person actually resided and was legally domiciled; and

(c) The person has an intention to remain in another place of permanent habitation where the person actually resides and is legally domiciled.

5. Except as otherwise provided in this subsection and NRS 293.1265, the district court has jurisdiction to determine the question of residence in any preelection action for declaratory judgment brought against a person who has filed a declaration of candidacy ~~[or acceptance of candidacy]~~ for any elective office. If the question of residence relates to whether an incumbent meets any qualification concerning residence required for the term of office in which the incumbent is presently serving, the district court does not have jurisdiction to determine the question of residence in an action for declaratory judgment brought by a person pursuant to this section but has jurisdiction to determine the question of residence only in an action to declare the office vacant that is authorized by NRS 283.040 and brought by the Attorney General or the appropriate district attorney pursuant to that section.

6. Except as otherwise provided in NRS 293.1265, if in any preelection action for declaratory judgment, the district court finds that a person who has filed a declaration of candidacy ~~[or acceptance of candidacy]~~ for any elective office fails to meet any qualification concerning residence required for the office pursuant to the Constitution or laws of this State, the person is subject to the provisions of NRS 293.2045.

7. For the purposes of this section, in determining whether a place of permanent habitation is the place where a person actually resides and is legally domiciled:

(a) It is the public policy of this State to avoid sham residences and to ensure that the person actually, as opposed to constructively, resides in the area prescribed by law for the office so the person has an actual connection with the constituents who reside in the area and has particular knowledge of their concerns.

(b) The person may have more than one residence but only one legal domicile, and the person's legal domicile requires both the fact of actual living in the place and the intention to remain there as a permanent residence. If the person temporarily leaves the person's legal domicile, or leaves for a particular purpose, and does not take up a permanent residence in another place, then the person's legal domicile has not changed. Once the person's legal domicile is fixed, the fact of actual living in another place, the intention to remain in the other place and the intention to abandon the former legal domicile must all exist before the person's legal domicile can change.

(c) Evidence of the person's legal domicile includes, without limitation:

(1) The place where the person lives the majority of the time and the length of time the person has lived in that place.

(2) The place where the person lives with the person's spouse or domestic partner, if any.

(3) The place where the person lives with the person's children, dependents or relatives, if any.

(4) The place where the person lives with any other individual whose relationship with the person is substantially similar to a relationship with a spouse, domestic partner, child, dependent or relative.

(5) The place where the person's dogs, cats or other pets, if any, live.

(6) The place listed as the person's residential address on the voter registration card issued to the person pursuant to NRS 293.517.

(7) The place listed as the person's residential address on any driver's license or identification card issued to the person by the Department of Motor Vehicles, any passport or military identification card issued to the person by the United States or any other form of identification issued to the person by a governmental agency.

(8) The place listed as the person's residential address on any registration for a motor vehicle issued to the person by the Department of Motor Vehicles or any registration for another type of vehicle or mode of transportation,

including, without limitation, any aircraft, vessels or watercraft, issued to the person by a governmental agency.

(9) The place listed as the person's residential address on any applications for issuance or renewal of any license, certificate, registration, permit or similar type of authorization issued to the person by a governmental agency which has the authority to regulate an occupation or profession.

(10) The place listed as the person's residential address on any document which the person is authorized or required by law to file or record with a governmental agency, including, without limitation, any deed, declaration of homestead or other record of real or personal property, any applications for services, privileges or benefits or any tax documents, forms or returns, but excluding the person's declaration of ~~[candidacy or acceptance of]~~ candidacy.

(11) The place listed as the person's residential address on any type of check, payment, benefit or reimbursement issued to the person by a governmental agency or by any type of company that provides insurance, workers' compensation, health care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck, paystub or employment records.

(13) The place listed as the person's residential address on the person's bank statements, insurance statements, mortgage statements, loan statements, financial accounts, credit card accounts, utility accounts or other billing statements or accounts.

(14) The place where the person receives mail or deliveries from the United States Postal Service or commercial carriers.

(d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to be exhaustive or exclusive. The presence or absence of any particular type of evidence listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but such a determination must be based upon all the facts and circumstances of the person's particular case.

8. As used in this section:

(a) "Actual residence" means the place of permanent habitation where a person actually resides and is legally domiciled. If the person maintains more than one place of permanent habitation, the place the person declares to be the person's principal permanent habitation when filing a declaration of candidacy ~~[or acceptance of candidacy]~~ for any elective office must be the place where the person actually resides and is legally domiciled in order for the person to be eligible to the office.

(b) "Declaration of ~~[candidacy or acceptance of]~~ candidacy" ~~[means a declaration of candidacy or acceptance of candidacy filed pursuant to chapter 293 or 293C of NRS.]~~ *has the meaning ascribed to it in section 2 of this act.*

Sec. 72. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.*

Sec. 73. NRS 281.556 is hereby amended to read as follows:

281.556 As used in NRS 281.556 to 281.581, inclusive, unless the context otherwise requires, the words and terms defined in NRS 281.558 to 281.5587, inclusive, *and section 72 of this act* have the meanings ascribed to them in those sections.

Sec. 74. NRS 281.558 is hereby amended to read as follows:

281.558 1. "Candidate" means any person who seeks to be elected to a public office and:

(a) Who files a declaration of candidacy; *or*

(b) ~~[Who files an acceptance of candidacy; or~~

~~(c)]~~ Whose name appears on an official ballot at any election.

2. The term does not include a candidate for judicial office who is subject to the requirements of the Nevada Code of Judicial Conduct.

Sec. 75. NRS 281.574 is hereby amended to read as follows:

281.574 1. A list of each public officer who is required to file a financial disclosure statement must be submitted electronically to the Secretary of State, in a form prescribed by the Secretary of State, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Director of the Department of Administration for all public officers of the Executive Branch.

2. Each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Secretary of State, a list of each candidate who filed a declaration of candidacy ~~[or acceptance of candidacy]~~ with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 76. Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:

*"Declaration of candidacy" has the meaning ascribed to it in section 2 of this act.*

Sec. 77. NRS 281A.030 is hereby amended to read as follows:

281A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 281A.032 to 281A.170, inclusive, *and section 76 of this act* have the meanings ascribed to them in those sections.

Sec. 78. NRS 281A.050 is hereby amended to read as follows:

281A.050 "Candidate" means any person:

1. Who files a declaration of candidacy; *or*

2. ~~[Who files an acceptance of candidacy; or~~

~~3.]~~ Whose name appears on an official ballot at any election.

Sec. 79. NRS 281A.520 is hereby amended to read as follows:

281A.520 1. Except as otherwise provided in subsections 4 and 5, a public officer or employee shall not request or otherwise cause a governmental entity to incur an expense or make an expenditure to support or oppose:

(a) A ballot question.

(b) A candidate.

2. For the purposes of paragraph (b) of subsection 1, an expense incurred or an expenditure made by a governmental entity shall be considered an expense incurred or an expenditure made in support of a candidate if:

(a) The expense is incurred or the expenditure is made for the creation or dissemination of a pamphlet, brochure, publication, advertisement or television programming that prominently features the activities of a current public officer of the governmental entity who is a candidate for a state, local or federal elective office; and

(b) The pamphlet, brochure, publication, advertisement or television programming described in paragraph (a) is created or disseminated during the period specified in subsection 3.

3. The period during which the provisions of subsection 2 apply to a particular governmental entity begins when a current public officer of that governmental entity files a declaration of candidacy ~~[or acceptance of candidacy]~~ and ends on the date of the general election, general city election or special election for the office for which the current public officer of the governmental entity is a candidate.

4. The provisions of this section do not prohibit the creation or dissemination of, or the appearance of a candidate in or on, as applicable, a pamphlet, brochure, publication, advertisement or television programming that:

(a) Is made available to the public on a regular basis and merely describes the functions of:

(1) The public office held by the public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed; or

(b) Is created or disseminated in the course of carrying out a duty of:

(1) The public officer who is the candidate; or

(2) The governmental entity by which the public officer who is the candidate is employed.

5. The provisions of this section do not prohibit an expense or an expenditure incurred to create or disseminate a television program that provides a forum for discussion or debate regarding a ballot question, if persons both in support of and in opposition to the ballot question participate in the television program.

6. As used in this section:

(a) "Governmental entity" means:

(1) The government of this State;

(2) An agency of the government of this State;

(3) A political subdivision of this State; and

(4) An agency of a political subdivision of this State.

(b) "Pamphlet, brochure, publication, advertisement or television programming" includes, without limitation, a publication, a public service announcement and any programming on a television station created to provide community access to cable television. The term does not include:

(1) A press release issued to the media by a governmental entity; or

(2) The official website of a governmental entity.

Sec. 80. NRS 318.09523 is hereby amended to read as follows:

318.09523 In any election for a general improvement district, if at 5:00 p.m. on the last day for filing a declaration of ~~[candidacy or an acceptance of]~~ candidacy, *as defined in section 2 of this act,* there is only one candidate nominated for the office, that candidate must be declared elected and no election may be held for that office.

Sec. 81. NRS 386.250 is hereby amended to read as follows:

386.250 ~~[1. Candidates]~~ *A candidate* for the office of trustee ~~[shall be]~~ *of a county school district must:*

*1. Be* nominated in the manner provided by the primary election laws of this ~~[state.]~~ *State; and*

2. ~~[The]~~ *File a* declaration of candidacy ~~[and the acceptance of a candidacy by candidates for the office of trustee of county school districts shall be filed]~~ *, as defined in section 2 of this act,* with the county clerk of the county whose boundaries are conterminous with the *boundaries of the* county school district . ~~[boundaries.]~~

Sec. 82. NRS 474.140 is hereby amended to read as follows:

474.140 1. Except as otherwise provided in subsection 2:

(a) At the next general election and in conjunction therewith after the organization of any district, and in conjunction with every general election thereafter, an election, to be known as the biennial election of the district, must be held.

(b) The general election laws of this State govern the nomination and election of the members of the board of directors. The election must be conducted under the supervision of the county clerk or registrar of voters. The returns of the election must be certified to and canvassed as provided by the general law concerning elections. The candidate or candidates, according to the number of directors to be elected, receiving the most votes, are elected. Any new member of the board must qualify in the same manner as members of the first board qualify.

2. If at 5 p.m. on the last day for filing a declaration of candidacy ~~[or an acceptance of candidacy]~~ *, as defined in section 2 of this act,* for the office of director, there is only one candidate nominated for the office, that candidate must be declared elected and no election may be held for that office.

Sec. 83. Section 8 of Assembly Bill No. 50 of this session is hereby amended to read as follows:

Sec. 8. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.190, a name may not be printed on a ballot to be used at a primary or general city election unless the person named has, in accordance with NRS 293C.145 or 293C.175, as applicable, timely filed a declaration of candidacy ~~[or an acceptance of candidacy]~~ *with the appropriate filing officer* and paid the *filing* fee established by the governing body of the city.

2. A declaration ~~[or acceptance]~~ of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

DECLARATION OF CANDIDACY OF .... FOR THE OFFICE OF .....

State of Nevada

City of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ....., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....

(Designation of name)

.....

(Signature of candidate for office)

Subscribed and sworn to before me
this ... day of the month of ... of the year ...
.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration ~~[or acceptance]~~ of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration ~~[or acceptance]~~ of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to the residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration ~~[or acceptance]~~ of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration ~~[or acceptance]~~ of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

7. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

8. The receipt of information by the city attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy ~~[or acceptance of candidacy]~~ which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 84. Section 9 of Assembly Bill No. 50 of this session is hereby amended to read as follows:

Sec. 9. NRS 293C.190 is hereby amended to read as follows:

293C.190 1. ~~[Except as otherwise provided in NRS 293C.115, a vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. of the first Tuesday after the first Monday in March of the year in which the general city election is held must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. Except as otherwise provided in NRS 293C.115, the petition must be filed not earlier than the third Tuesday in February and not later than the third Tuesday after the third Monday in March of the year in which the general city election is held.~~

~~A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.~~

~~2. Except as otherwise provided in NRS 293C.115, a~~ *A* vacancy occurring in a nomination for a city office ~~[after 5 p.m. of the first Tuesday after the first Monday in March and on or]~~ before 5 p.m. of the ~~[second Tuesday after the second Monday in April]~~ *fourth Friday in July* of the year in which the general city election is held must be filled by the person who received the next highest vote for the nomination in the primary city election ~~[.~~

~~3. Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, no]~~ *if a primary city election was held for that city office. If no primary city election was held for that city office or if there was not more than one person who was seeking the nomination in the primary city election, a person may become a candidate for the city office at the general city election if the person files a declaration of candidacy with the appropriate filing officer and pays the filing fee established by the governing body of the city before 5 p.m. on the fourth Friday in July.*

*2. No* change may be made on the ballot for the general city election after 5 p.m. ~~[of the second Tuesday after the second Monday in April]~~ *on the fourth Friday in July* of the year in which the general city election is held. If ~~[a]~~ *, after that time and date:*

*(a) A* nominee dies ~~[after that time and date,]~~ *or is adjudicated insane or mentally incompetent; or*

*(b) A vacancy in the nomination is otherwise created,*

➥ the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.

~~[4. Except as otherwise provided in NRS 293C.115, a candidate nominated pursuant to subsection 1 must file a declaration of candidacy with the appropriate filing officer and pay the filing fee established by the governing body of the city on or before 5 p.m. on the date on which the nominating petition is filed pursuant to subsection 1 or on the third Tuesday after the third Monday in March of the year in which the general city election is held, whichever occurs first.]~~

*Sec. 84.4.* Section 30 of Assembly Bill No. 345 of this session is hereby amended to read as follows:

Sec. 30. NRS 293.275 is hereby amended to read as follows:

293.275 ~~[No]~~

*1. Except as otherwise provided in subsection 2, an* election board may *not* perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it ~~[the]~~ *:*

*(a) The* roster *designated* for *registered voters who apply to vote at* the polling place ~~[.]~~ *; and*

*(b) The roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.*

*2. For a polling place established pursuant to section 2 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the county.*

*3. If a county clerk uses an electronic roster, not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, the county clerk shall complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State.*

*Sec. 84.6.* Assembly Bill No. 345 of this session is hereby amended by adding thereto a new section designated as section 76.3, following section 76, to read as follows:

Sec. 76.3. *1. Except as otherwise provided in subsection 2, an election board may not perform its duty in serving registered voters at any polling place in any election provided for in this title, unless it has before it:*

*(a) The roster designated for registered voters who apply to vote at the polling place; and*

*(b) The roster designated for electors who apply to register to vote or apply to vote at the polling place pursuant to sections 5.1 to 9.8, inclusive, of this act.*

*2. For a polling place established pursuant to section 73 of this act, an election board may perform its duty in serving registered voters at the polling place in an election if the election board has before it the roster for the city.*

*3. If a city clerk uses an electronic roster, not earlier than 2 weeks before and not later than 5 p.m. on the day before the first day of the period for early voting by personal appearance, the city clerk shall complete a test of the electronic roster to ensure its functionality in accordance with regulations adopted by the Secretary of State.*

Sec. 85. NRS 293.180 is hereby repealed.

Sec. 86. 1. The Secretary of State shall develop a pilot program for conducting a risk-limiting audit of the results of the 2020 general election.

2. The Secretary of State may require each county clerk to participate in the pilot program developed pursuant to subsection 1 and conduct a risk-limiting audit of the results of the 2020 general election.

3. As used in this section, "risk-limiting audit" has the meaning ascribed to it in section 8 of this act.

Sec. 87. 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. 88. 1. This section ~~[and sections]~~ becomes effective upon passage and approval.

2. Sections 34, 43, 84.4 and 84.6 of this act become effective:

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

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

3. Sections 1 to 8, inclusive, 10 to 33, inclusive, 35 to 42, inclusive, 44 to 83, inclusive, 85, 86 and 87 of this act become effective on July 1, 2019.

~~[2.]~~ 4. Section 84 of this act becomes effective on July 1, 2021.

~~[3.]~~ 5. Section 9 of this act becomes effective on January 1, 2022.

TEXT OF REPEALED SECTION

293.180 Certificates of candidacy: Requirements; filing; acceptance of candidacy.

1. Ten or more registered voters may file a certificate of candidacy designating any registered voter as a candidate for:

(a) Their major political party's nomination for any partisan elective office, or as a candidate for nomination for any nonpartisan office other than a judicial office, not earlier than the first Monday in February of the year in which the election is to be held nor later than 5 p.m. on the first Friday in March; or

(b) Nomination for a judicial office, not earlier than the first Monday in December of the year immediately preceding the year in which the election is to be held nor later than 5 p.m. on the first Friday in January of the year in which the election is to be held.

2. When the certificate has been filed, the officer in whose office it is filed shall notify the person named in the certificate. If the person named in the certificate files an acceptance of candidacy and pays the required fee, as provided by law, he or she is a candidate in the primary election in like manner as if he or she had filed a declaration of candidacy.

3. If a certificate of candidacy relates to a partisan office, all of the signers must be of the same major political party as the candidate designated.

Senator Ohrenschall moved that the Senate concur in Assembly Amendment No. 1122 to Senate Bill No. 123.

Remarks by Senator Ohrenschall

Amendment No. 1122 to Senate Bill No. 123 resolves conflicts with two pieces of legislation, Assembly Bill No. 50 and Assembly Bill No. 345, already approved during this Legislative Session. I urge your concurrence with this amendment.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 161.

The following Assembly amendments were read:

Amendment No. 755.

SUMMARY—Revises provisions relating to certain financial businesses, products and services. (BDR 52-875)

AN ACT relating to financial businesses; requiring the Director of the Department of Business and Industry to establish and administer the

Regulatory Experimentation Program for Product Innovation; setting forth the requirements for the operation of the Program; providing for a temporary exemption from certain statutory and regulatory requirements related to financial products and services for a participant in the Program under certain circumstances; requiring the Director to submit to the Legislature an annual report on the Program; revising provisions relating to persons who make loans exclusively via the Internet; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing provisions of chapters 645A, 645B, 645F and 645G of NRS, titles 55 and 56 of NRS and the various regulations adopted pursuant to those statutes impose licensing and other regulatory requirements on the provision of certain financial products and services, ranging from consumer lending to banking and debt counseling. This bill, modeled after similar legislation from Arizona, generally provides for the establishment and administration of a program by the Director of the Department of Business and Industry under which persons offering or providing such a product or service in a technically innovative way may seek a temporary exemption from some or all of the statutory and regulatory provisions that otherwise apply to the product or service. (Ariz. Rev. Stat. Ann. §§ 41-5601 et seq.) At the end of the period of exemption, a participant in the program must cease to provide the product or service or continue operations in accordance with applicable licensing and other requirements.

Section 11 of this bill requires the Director to establish and administer the Regulatory Experimentation Program for Product Innovation. A person who desires to become a participant in the Program is required by section 12 of this bill to submit an application to the Director. If the Director approves the application, section 15 of this bill provides that the product or service of the participant is generally exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant to any of those statutes, except as the Director may otherwise require. Section 46.3 of this bill imposes certain temporary limitations on the number of persons who may participate in the Program.

Sections 16 and 17 of this bill establish requirements and limitations on the provisions of a product or service under the Program. Section 16 of this bill limits the number of consumers in this State to whom a product or service may be provided by a participant, while section 17 of this bill imposes certain specific requirements and limitations applicable to participants who are transmitters of money. Section 19 of this bill authorizes the Director to grant relief from some of these requirements and limitations under certain circumstances.

Sections 20-24 of this bill govern the operation of the Program. Section 20 of this bill sets forth certain disclosures that must be made before a product or service is provided to a recipient of the product or service. Section 21 of this bill requires the Director to establish a system for the submission of

complaints. Sections 22 and 23 of this bill contain provisions relating to recordkeeping and the confidentiality of records relating to the Program.

Pursuant to sections 25 and 26 of this bill, the period of participation in the Program is generally limited to 2 years, at which time a participant must cease to offer or provide a product or service under the Program. A participant may seek an extension of this period to apply for any license or other authorization otherwise required for the product or service.

Section 26.3 of this bill authorizes the Director to take certain actions if a participant has engaged in, is engaging in or threatens to engage in any act or omission that the Director determines is inconsistent with the health, safety or welfare of consumers or the public generally. Section 27 of this bill authorizes the Director to act to enjoin or otherwise prevent any violation of the provisions governing the Program. Section 30 of this bill: (1) requires the Director, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General ~~[,]~~ and the applicable regulator, to adopt certain regulations for the protection of consumers of financial products or services through the Program; and (2) authorizes the Director to adopt any other regulations necessary to carry out the Program. Section 31 of this bill requires the Director to report annually to the Legislature on the status of the Program. Sections ~~[32-42,]~~ 35, 37-42, 43 and 44-47 of this bill make conforming changes.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner of Financial Institutions for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) Under existing law, a person who wishes to obtain a license for an office or place of business located outside of this State is required, among other requirements, to have a license for an office or place of business located inside this State. (NRS 675.090) Section 43.3 of this bill authorizes persons who make loans exclusively via the Internet, who are designated by section 42.5 of this bill as "Internet lenders," to apply for a license to engage in the business of lending for an office or place of business located outside of this State without having a license for an office or place of business located inside this State. Section 43.7 of this bill exempts Internet lenders from provisions of existing law which prohibit persons from conducting the business of making loans in the same office or place of business as any other business. (NRS 675.230)

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 31, inclusive, of this act.

Sec. 2. *As used in sections 2 to 31, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Applicable regulator" means ~~[an official or agency of this State, as identified by the Director,]~~ the Commissioner of Mortgage Lending, the*

*Division of Mortgage Lending of the Department of Business and Industry, the Commissioner of Financial Institutions or the Division of Financial Institutions of the Department of Business and Industry, as applicable, responsible for regulating a financial product or service.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *"Consumer" means any person who purchases or otherwise enters into a transaction or agreement to receive a financial product or service.*

Sec. 5.5. *"Director" means the Director of the Department of Business and Industry.*

Sec. 6. *"Financial product or service" or "product or service" means any product, service, activity, business model, mechanism for delivery or element of any of these that:*

*1. Includes an innovation; and*

*2. But for the provisions of sections 2 to 31, inclusive, of this act, is governed by the provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

Sec. 7. *"Innovation" means any use of a new or emerging technology, or any novel use of an existing technology, to address a problem, provide a benefit or otherwise offer or provide a financial product or service that is determined by the Director not to be widely available in this State.*

Sec. 8. *"Participant" means a person whose application to participate in the Program has been approved by the Director pursuant to section 14 of this act.*

Sec. 9. *"Program" means the Regulatory Experimentation Program for Product Innovation established and administered by the Director pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 10. *"Test" means to offer or provide a financial product or service through the Program.*

Sec. 11. *In consultation with each applicable regulator, the Director shall establish and administer the Regulatory Experimentation Program for Product Innovation to enable a person to obtain limited access to markets in this State to test a financial product or service without:*

*1. Applying for or obtaining any license or other authorization otherwise required by any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto; or*

*2. Otherwise complying with any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 or 26.3 of this act.*

Sec. 12. *1. A person who desires to participate in the Program to test a financial product or service must submit a written application in accordance with this section, in the form prescribed by the Director. A separate application must be filed for each product or service proposed for testing.*

*2. The application must show that the applicant will at all times during the test:*

*(a) Be subject to the exercise of personal jurisdiction by the courts of this State; and*

*(b) Establish and maintain a physical or virtual location that is reasonably accessible to the Director, from which testing will occur and at which all records, documents and data required by sections 2 to 31, inclusive, of this act will be maintained.*

*3. The application must include:*

*(a) A description of the product or service proposed for testing and an explanation of:*

*(1) The innovation included in the product or service;*

*(2) The regulatory scheme otherwise applicable to the product or service outside the Program;*

*(3) Any benefit of the product or service to consumers;*

*(4) Any risk of financial loss or other harm to consumers associated with the product or service;*

*(5) The nature or features of the product or service that distinguish it from any similar product or service available in this State; and*

*(6) The manner in which participation in the Program will facilitate a successful test of the product or service;*

*(b) A statement of the proposed plan for testing the product or service, including:*

*(1) An estimate of the dates or periods of time anticipated for entry into and exit from the relevant market in this State;*

*(2) Measures to protect consumers from financial loss or other harm caused by a failure of the test; and*

*(3) The plan to wind up and terminate the test;*

*(c) The full legal name, address, telephone number, electronic mail address and website address of the applicant and, if the applicant is not a natural person, each officer, director or other principal of the applicant;*

*(d) A description of any criminal conviction and any final administrative suspension, revocation or termination of a professional or occupational license of the applicant and any other person described in paragraph (c) if such a conviction or suspension, revocation or termination occurred in this State or another jurisdiction within the 5 years immediately preceding the date of the application;*

*(e) The consent of the applicant to the provisions for choice of law and provisions for the selection of a forum as prescribed by the Director; and*

*(f) Any other information deemed necessary by the Director.*

*4. The application must be submitted to the Director and be accompanied by a nonrefundable fee of not more than $1,000. The Director shall account separately for the money received from fees collected pursuant to this section and use that money solely to pay the expenses of administering the Program.*

Sec. 13. *1. The Director may refuse to consider any application submitted pursuant to section 12 of this act if the application does not include the information required by section 12 of this act or any other information*

*deemed necessary by the Director. The applicant shall provide, within the period directed by the Director, any additional information required in connection with the application. If the required information is not provided, the application may be denied by the Director as incomplete.*

*2. Upon receipt of a completed application and payment of the required fee, the Director shall identify and consult with each applicable regulator having an interest in the subject of the application. The consultation is advisory only and not binding on the Director. The consultation may relate to any matter deemed by the Director to be relevant to the application, including, without limitation:*

*(a) Any license or other authorization previously issued by the applicable regulator, or the corresponding regulator in another jurisdiction, to the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act;*

*(b) Any criminal, civil, administrative or other proceeding previously brought by or on behalf of the applicable regulator, or the corresponding regulator in any other jurisdiction, against the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act; and*

*(c) The ability of the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act to qualify for a license or other authorization from the applicable regulator upon the completion of testing.*

*3. Unless the Director and the applicant mutually agree to extend this period, the Director shall approve or deny an application within 90 days after the completed application is received.*

Sec. 14. *1. Except as otherwise provided in this subsection, the Director may approve or deny any application or request submitted pursuant to sections 2 to 31, inclusive, of this act. The Director may not approve an application or request if provision of the relevant financial product or service to consumers in this State would exceed the applicable limitation provided by subsection 2 or 3 of section 16 of this act.*

*2. The Director shall give the applicant or participant written notice of the approval or denial of the application or request within 5 business days after the date of approval or denial.*

*3. The approval or denial of an application or request is final and not subject to administrative or judicial review.*

Sec. 15. *1. If the Director approves an application to participate in the Program:*

*(a) The applicant shall be deemed a participant.*

*(b) The Director shall issue a registration number unique to the approval.*

*(c) Except as otherwise required by the Director pursuant to subsection 2 ~~[,]~~ or section 26.3 of this act, a product or service offered or provided within the scope of the Program is exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

*2. In addition to any other requirements or limitations of section 16 or 17 of this act that apply to a product or service, the Director may condition approval of an application upon compliance by the participant with one or more provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

*3. A notice of approval of an application given pursuant to section 14 of this act must be accompanied by a copy of the provisions of sections 2 to 31, inclusive, of this act and any applicable regulations of the Director then in effect, and set forth:*

*(a) The registration number applicable to the approval;*

*(b) The period of testing prescribed by section 25 of this act;*

*(c) The general limitations of section 16 of this act, any additional requirements or limitations applicable specifically to the product or service pursuant to section 17 of this act and any conditions imposed pursuant to subsection 2 ~~[,]~~ or section 26.3 of this act; and*

*(d) Any additional information required by the Director to be disclosed to consumers pursuant to subsection 2 of section 20 of this act.*

Sec. 16. *Any financial product or service provided within the scope of the Program is subject to the following requirements and limitations:*

*1. Any consumer of the product or service must be a resident of this State on the date that the product or service is first provided to the consumer.*

*2. Except as otherwise provided in subsection 3, not more than 5,000 consumers may be provided a given product or service by a participant during the period of testing.*

*3. If the Director approves a request for relief by a participant pursuant to section 19 of this act, not more than 7,500 consumers may be provided a given product or service by the participant during the period of testing.*

Sec. 17. *1. Except as otherwise provided in subsection 2, in addition to complying with any other applicable requirements and limitations, a participant who is testing a financial product or service within the scope of the Program for which a license is otherwise required pursuant to chapter 671 of NRS shall not receive for transmission or transmit during the period of testing:*

*(a) More than $2,500 in any single transaction for a consumer.*

*(b) More than $25,000 in any series of transactions for a consumer.*

*2. If the Director approves a request for relief by a participant pursuant to section 19 of this act, the participant shall not receive for transmission or transmit during the period of testing:*

*(a) More than $15,000 in any single transaction for a consumer.*

*(b) More than $50,000 in any series of transactions for a consumer.*

Sec. 18. (Deleted by amendment.)

Sec. 19. *1. At any time during the period of testing a financial product or service, a participant may submit to the Director a written request for relief from the limitations of subsection 2 of section 16 of this act or subsection 1 of section 17 of this act, or both, as they otherwise apply to the participant.*

*2. In accordance with any regulations adopted pursuant to section 30 of this act, the Director may:*

*(a) Approve a request for relief if the Director determines that the participant has adequate capitalization and satisfactory procedures and processes in place for the oversight of its operations and the management of risk.*

*(b) Rescind or modify at any time his or her approval of a request for relief.*

*3. The approval, denial, rescission or modification of approval of a request for relief is final and not subject to administrative or judicial review*.

Sec. 20. *1. Before providing any financial product or service to a consumer, a participant shall disclose to the consumer:*

*(a) The name and contact information of the participant;*

*(b) The registration number applicable to the product or service, as issued by the Director pursuant to section 15 of this act;*

*(c) The fact that the product or service is generally exempt from any provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 or 26.3 of this act;*

*(d) If applicable, the fact that the participant is not the holder of a license or other authorization in this State to provide any product or service outside the scope of the Program;*

*(e) The fact that the participant has been approved to provide the product or service pursuant to sections 2 to 31, inclusive, of this act, but that the product or service is not endorsed or recommended by the Director or any governmental agency;*

*(f) The fact that the product or service is provided as part of a test and may be discontinued at or before the end of the test, with the date on which the test is expected to end; and*

*(g) The fact that the consumer may submit a complaint to the Director relating to the product or service, with the telephone number and Internet address of the Internet website maintained by the Director pursuant to section 21 of this act.*

*2. The Director may condition approval of an application to participate in the Program on, or require at any time thereafter, the disclosure by a participant of information relating to a product or service in addition to the disclosures required by subsection 1. The Director shall give written notice to the participant of any additional disclosures required pursuant to this subsection.*

*3. The disclosures required by subsections 1 and 2, as applicable, must be clear and conspicuous and must be provided in English and Spanish. If a product or service is provided through an Internet website or mobile application, the consumer must acknowledge receipt of the disclosures before the completion of any transaction.*

Sec. 21. *The Director shall establish and maintain a toll-free telephone number and Internet website through which a consumer may submit a*

*complaint relating to any financial product or service provided by a participant.*

Sec. 22. *1. The Director may establish by regulation periodic reporting requirements for participants in the Program.*

*2. On request by the Director, a participant shall make any requested record, information or data available for inspection and copying by the Director.*

*3. Each participant shall retain, for not less than 2 years after the end of the prescribed period of testing or for such longer period as the Director requires by order or regulation, all records and data produced in the ordinary course of business relating to a financial product or service tested in the Program.*

*4. If a product or service fails before the end of the period of testing, the participant shall:*

*(a) Give written notice of the failure to the Director.*

*(b) Include in the notice a description of any action taken by the participant to protect consumers from financial loss or other harm caused by the failure.*

*5. In addition to providing any other disclosure or notice of the unauthorized acquisition of computerized data required by any applicable statute or regulation, a participant shall promptly notify the Director of any unauthorized acquisition of computerized data constituting a breach of the security of the system data as that term is defined in NRS 603A.020.*

Sec. 23. *1. Any record or information in a record submitted to or obtained by the Director or an applicable regulator pursuant to sections 2 to 31, inclusive, of this act:*

*(a) Except as otherwise provided in this section, is confidential and not a public book or record within the meaning of NRS 239.010.*

*(b) May be disclosed by the Director or an applicable regulator to:*

*(1) Any governmental agency or official; or*

*(2) A federal, state or county grand jury in response to a lawful subpoena.*

*2. Any disclosure pursuant to subsection 1 of a complaint relating to a financial product or service or the results of an examination, inquiry or investigation relating to a participant or product or service does not make the relevant record or information in a record a public record within the meaning of NRS 239.010, and a participant shall not disclose any such record or information to the general public except in connection with any disclosure required by law. A participant shall not disclose, use or refer to any comments, conclusions or results of an examination, inquiry or investigation in any communication to a consumer or potential consumer.*

*3. The Director and any applicable regulator are immune from civil liability for any damages sustained because of a disclosure of any record or information in a record that is received or obtained pursuant to sections 2 to 31, inclusive, of this act.*

*4. Nothing contained in this section shall be deemed to preclude the disclosure of any record or information in a record that is admissible in evidence in any civil or criminal proceeding brought by a state or federal law enforcement agency to enforce or prosecute a civil or criminal violation of any law.*

Sec. 24. *Any information, writing, signature, record or disclosure required by the provisions of sections 2 to 31, inclusive, of this act or any regulation adopted pursuant thereto, may:*

*1. Be obtained, recorded, provided or maintained by a participant in electronic form.*

*2. With the approval of the Director, be substituted by a participant with any substantially equivalent information, writing, signature, record or disclosure.*

Sec. 25. *Unless a timely request for an extension of the period of testing is made and approved pursuant to section 26 of this act:*

*1. The period of testing for a financial product or service ends 2 years after the date of the notice given pursuant to section 14 of this act.*

*2. Except as otherwise provided in this subsection, the participant shall, within 60 days after the end of the period of testing, wind down the test and cease offering or providing the product or service. If the product or service entails the performance of any ongoing duty or function, such as the servicing of a loan, the participant shall continue to perform or contract with another person for the continued performance of the duty or function.*

Sec. 26. *1. A participant may request an extension of the period of testing to apply for any license or other authorization required for the financial product or service by any statute or regulation of this State. A participant who desires such an extension must submit a written request to the Director not less than 30 days before the end of the period of testing.*

*2. The Director shall:*

*(a) Approve or deny the requested extension before the end of the prescribed period of testing; and*

*(b) Give written notice of the approval or denial as provided in section 14 of this act.*

*3. Only one extension of the period of testing may be granted pursuant to this section. Any such extension must not exceed 1 year in duration.*

*4. A participant who obtains an extension shall report periodically to the Director, in writing, on the status of the efforts of the participant to obtain a license or other authorization. The first such report must be submitted within 90 days after the date of the notice described in subsection 2, and subsequent reports must be submitted at intervals of not more than 90 days until the application of the participant for a license or other authorization is finally approved or finally denied by the applicable regulator.*

*Sec. 26.3. 1. If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act*

*or omission that the Director determines is inconsistent with the health, safety or welfare of consumers or the public generally, the Director may:*

*(a) Proceed to adopt a regulation to address the issue pursuant to section 30 of this act;*

*(b) Require the participant to comply with one or more provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto;*

*(c) Remove the participant from the Program or order the participant to exit the Program; or*

*(d) Take any combination of those actions.*

*2. Any action taken by the Director pursuant to this section is final and not subject to judicial or administrative review.*

Sec. 27. *1. If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission in violation of any provision of sections 2 to 31, inclusive, of this act or any other applicable statute or regulation for which a civil or criminal penalty is prescribed, the Director may:*

*(a) Request that the Attorney General bring an action in any court of competent jurisdiction to enjoin the violation;*

*(b) Remove the participant from the Program or order the participant to exit the Program; or*

*(c) Take any combination of those actions.*

*2. A removal of or compelled exit of a participant from the Program is final and not subject to administrative or judicial review.*

Sec. 28. *1. Nothing contained in sections 2 to 31, inclusive, of this act shall be deemed to prohibit a participant who holds a license or other authorization in another jurisdiction from acting in accordance with that license or authorization.*

*2. The Director may enter into an agreement with any governmental agency or official of any other jurisdiction to authorize:*

*(a) A participant to operate in such a jurisdiction; or*

*(b) A person who is authorized to operate in such a jurisdiction to be a participant.*

Sec. 29. *For the purposes of any federal statute or regulation requiring a participant to hold a license or other authorization from this State in connection with a financial product or service, a participant shall be deemed to hold such a license or other authorization.*

Sec. 30. *1. The Director shall, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General ~~[,]~~ and the applicable regulator, adopt regulations that establish protections for consumers of financial products or services provided through the Program.*

*2. The Director may adopt such other regulations as he or she deems necessary to carry out the provisions of sections 2 to 31, inclusive, of this act.*

Sec. 31. *1. On or before March 1 of each year, the Director of the Department of Business and Industry shall prepare and submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, a report on the operation and status of the Program.*

*2. The report must include, for the immediately preceding calendar year:*

*(a) The number of applications submitted to participate in the Program, and the number of applications that were approved or denied;*

*(b) With respect to the applications that were denied, a description of the reasons for denial; and*

*(c) With respect to the applications that were approved:*

*(1) A description of each financial product or service provided by each participant in the Program;*

*(2) A statement of the number of participants providing each product or service; and*

*(3) An estimate of the number of consumers using each product or service.*

*3. The report may include any recommendations for legislation relating to the Program and any other information that the Director of the Department of Business and Industry deems relevant.*

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080,

289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 23 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all

public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 36. (Deleted by amendment.)

Sec. 37. Chapter 645A of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 38. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift

companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or married couple, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person;

(b) Secured by a dwelling that served as the person's residence; or

(c) If:

(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;

(2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;

(e) Which does not profit from the sale of a dwelling to a borrower; and

(f) Which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

*13. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 39. Chapter 645F of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 40. Chapter 645G of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 41. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this title do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 42. Chapter 673 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 42.5. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. "Commissioner" means the Commissioner of Financial Institutions.

4. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

5. *"Internet lender" means a person who makes loans exclusively through the Internet.*

*6.* "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~[6.]~~ *7.* "Licensee" means a person to whom one or more licenses have been issued.

Sec. 43. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage companies, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

*12. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, a participant*

*in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 43.3. NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if ~~[the applicant]~~ *:*

*(a) The applicant is an Internet lender;* or

*(b) The applicant or* a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State . ~~[and if the applicant submits]~~

*4. A person who wishes to apply for a license pursuant to subsection 3 must submit* with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

~~[4.]~~ *5.* The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 43.7. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in ~~[subsection]~~ *subsections* 2 ~~[,]~~ *and 3*, a licensee may not conduct the business of making loans under this

chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

(1) Operate as separate legal entities;

(2) Maintain separate accounts, books and records;

(3) Are subsidiaries of the same parent corporation; and

(4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

*3. A licensee who is an Internet lender may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.*

Sec. 44. NRS 676A.270 is hereby amended to read as follows:

676A.270 1. This chapter does not apply to an agreement with an individual who the provider has no reason to know resides in this State at the time of the agreement.

2. This chapter does not apply to a provider to the extent that the provider:

(a) Provides or agrees to provide debt-management, educational or counseling services to an individual who the provider has no reason to know resides in this State at the time the provider agrees to provide the services; or

(b) Receives no compensation for debt-management services from or on behalf of the individuals to whom it provides the services or from their creditors.

3. This chapter does not apply to the following persons or their employees when the person or the employee is engaged in the regular course of the person's business or profession:

(a) A judicial officer, a person acting under an order of a court or an administrative agency or an assignee for the benefit of creditors;

(b) A bank;

(c) An affiliate, as defined in paragraph (a) of subsection 2 of NRS 676A.030, of a bank if the affiliate is regulated by a federal or state banking regulatory authority; or

(d) A title insurer, escrow company or other person that provides bill-paying services if the provision of debt-management services is incidental to the bill-paying services.

*4. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, this chapter does not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 45. Chapter 677 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 46. Chapter 678 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

*Sec. 46.3.* Notwithstanding the provisions of section 14 of this act:

1. The Director of the Department of Business and Industry shall not approve more than three applications to participate in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act, submitted pursuant to section 12 of this act during each of the following periods:

(a) The period beginning on January 1, 2020, and ending on June 30, 2020; and

(b) The period beginning on July 1, 2020, and ending on December 31, 2020.

2. The Director of the Department of Business and Industry shall not approve more than five applications to participate in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act, submitted pursuant to section 12 of this act during each of the following periods:

(a) The period beginning on January 1, 2021, and ending on June 30, 2021;

(b) The period beginning on July 1, 2021, and ending on December 31, 2021;

(c) The period beginning on January 1, 2022, and ending on June 20, 2022; and

(d) The period beginning on July 1, 2022, and ending on December 31, 2022.

Sec. 47. 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. 48. This act becomes effective:

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

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

Amendment No. 801.

SUMMARY—Revises provisions relating to certain financial businesses, products and services. (BDR 52-875)

AN ACT relating to financial businesses; requiring the Director of the Department of Business and Industry to establish and administer the Regulatory Experimentation Program for Product Innovation; setting forth the requirements for the operation of the Program; providing for a temporary exemption from certain statutory and regulatory requirements related to financial products and services for a participant in the Program under certain circumstances; requiring the Director to submit to the Legislature an annual report on the Program; revising provisions governing the registration by the Nevada State Board of Accountancy of partnerships, corporations, limited-liability companies and sole proprietorships; revising provisions relating to persons who make loans exclusively via the Internet; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing provisions of chapters 645A, 645B, 645F and 645G of NRS, titles 55 and 56 of NRS and the various regulations adopted pursuant to those statutes impose licensing and other regulatory requirements on the provision of certain financial products and services, ranging from consumer lending to banking and debt counseling. This bill, modeled after similar legislation from Arizona, generally provides for the establishment and administration of a program by the Director of the Department of Business and Industry under which persons offering or providing such a product or service in a technically innovative way may seek a temporary exemption from some or all of the statutory and regulatory provisions that otherwise apply to the product or service. (Ariz. Rev. Stat. Ann. §§ 41-5601 et seq.) At the end of the period of exemption, a participant in the program must cease to provide the product or service or continue operations in accordance with applicable licensing and other requirements.

Section 11 of this bill requires the Director to establish and administer the Regulatory Experimentation Program for Product Innovation. A person who desires to become a participant in the Program is required by section 12 of this bill to submit an application to the Director. If the Director approves the application, section 15 of this bill provides that the product or service of the participant is generally exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant to any of those statutes, except as the Director may otherwise require.

Sections 16 and 17 of this bill establish requirements and limitations on the provisions of a product or service under the Program. Section 16 of this bill limits the number of consumers in this State to whom a product or service may be provided by a participant, while section 17 of this bill imposes certain specific requirements and limitations applicable to participants who are transmitters of money. Section 19 of this bill authorizes the Director to grant

relief from some of these requirements and limitations under certain circumstances.

Sections 20-24 of this bill govern the operation of the Program. Section 20 of this bill sets forth certain disclosures that must be made before a product or service is provided to a recipient of the product or service. Section 21 of this bill requires the Director to establish a system for the submission of complaints. Sections 22 and 23 of this bill contain provisions relating to recordkeeping and the confidentiality of records relating to the Program.

Pursuant to sections 25 and 26 of this bill, the period of participation in the Program is generally limited to 2 years, at which time a participant must cease to offer or provide a product or service under the Program. A participant may seek an extension of this period to apply for any license or other authorization otherwise required for the product or service.

Section 27 of this bill authorizes the Director to act to enjoin or otherwise prevent any violation of the provisions governing the Program. Section 30 of this bill: (1) requires the Director, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General, to adopt certain regulations for the protection of consumers of financial products or services through the Program; and (2) authorizes the Director to adopt any other regulations necessary to carry out the Program. Section 31 of this bill requires the Director to report annually to the Legislature on the status of the Program. Sections ~~[32-42,]~~ 35, 37-42, 43 and 44-47 of this bill make conforming changes.

Existing law grants practice privileges in this State to a natural person who holds a valid license as a certified public accountant in another state, territory or possession of the United States or the District of Columbia. (NRS 628.033, 628.315) Such a natural person is not required to obtain a certificate of certified public accountant or a permit to engage in the practice of public accounting from the Nevada State Board of Accountancy but is required to consent to certain specified conditions, including consent to the disciplinary authority of the Board. (NRS 628.315) Section 36.15 of this bill extends the authority of the Board to grant such practice privileges to a certified public accounting firm organized as a partnership, corporation or limited-liability company or a sole proprietorship which holds a valid registration in good standing from another state, territory or possession of the United States or the District of Columbia. Such a certified public accounting firm is not required to register with the Board, but is required to consent to the same conditions as natural persons, such as consent to the disciplinary authority of the Board. Sections 36.1, 36.25-36.85 and 47.5 of this bill make conforming changes. Section 36.2 of this bill exempts certain entities whose sole business is preparing tax returns and related schedules from the requirement of registration.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner of Financial Institutions for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) Under existing law,

a person who wishes to obtain a license for an office or place of business located outside of this State is required, among other requirements, to have a license for an office or place of business located inside this State. (NRS 675.090) Section 43.3 of this bill authorizes persons who make loans exclusively via the Internet, who are designated by section 42.5 of this bill as "Internet lenders," to apply for a license to engage in the business of lending for an office or place of business located outside of this State without having a license for an office or place of business located inside this State. Section 43.7 of this bill exempts Internet lenders from provisions of existing law which prohibit persons from conducting the business of making loans in the same office or place of business as any other business. (NRS 675.230)

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 31, inclusive, of this act.

Sec. 2. *As used in sections 2 to 31, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Applicable regulator" means an official or agency of this State, as identified by the Director, responsible for regulating a financial product or service.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *"Consumer" means any person who purchases or otherwise enters into a transaction or agreement to receive a financial product or service.*

Sec. 5.5. *"Director" means the Director of the Department of Business and Industry.*

Sec. 6. *"Financial product or service" or "product or service" means any product, service, activity, business model, mechanism for delivery or element of any of these that:*

*1. Includes an innovation; and*

*2. But for the provisions of sections 2 to 31, inclusive, of this act, is governed by the provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

Sec. 7. *"Innovation" means any use of a new or emerging technology, or any novel use of an existing technology, to address a problem, provide a benefit or otherwise offer or provide a financial product or service that is determined by the Director not to be widely available in this State.*

Sec. 8. *"Participant" means a person whose application to participate in the Program has been approved by the Director pursuant to section 14 of this act.*

Sec. 9. *"Program" means the Regulatory Experimentation Program for Product Innovation established and administered by the Director pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 10. *"Test" means to offer or provide a financial product or service through the Program.*

Sec. 11. *In consultation with each applicable regulator, the Director shall establish and administer the Regulatory Experimentation Program for Product Innovation to enable a person to obtain limited access to markets in this State to test a financial product or service without:*

*1. Applying for or obtaining any license or other authorization otherwise required by any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto; or*

*2. Otherwise complying with any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 of this act.*

Sec. 12. *1. A person who desires to participate in the Program to test a financial product or service must submit a written application in accordance with this section, in the form prescribed by the Director. A separate application must be filed for each product or service proposed for testing.*

*2. The application must show that the applicant will at all times during the test:*

*(a) Be subject to the exercise of personal jurisdiction by the courts of this State; and*

*(b) Establish and maintain a physical or virtual location that is reasonably accessible to the Director, from which testing will occur and at which all records, documents and data required by sections 2 to 31, inclusive, of this act will be maintained.*

*3. The application must include:*

*(a) A description of the product or service proposed for testing and an explanation of:*

*(1) The innovation included in the product or service;*

*(2) The regulatory scheme otherwise applicable to the product or service outside the Program;*

*(3) Any benefit of the product or service to consumers;*

*(4) Any risk of financial loss or other harm to consumers associated with the product or service;*

*(5) The nature or features of the product or service that distinguish it from any similar product or service available in this State; and*

*(6) The manner in which participation in the Program will facilitate a successful test of the product or service;*

*(b) A statement of the proposed plan for testing the product or service, including:*

*(1) An estimate of the dates or periods of time anticipated for entry into and exit from the relevant market in this State;*

*(2) Measures to protect consumers from financial loss or other harm caused by a failure of the test; and*

*(3) The plan to wind up and terminate the test;*

*(c) The full legal name, address, telephone number, electronic mail address and website address of the applicant and, if the applicant is not a natural person, each officer, director or other principal of the applicant;*

*(d) A description of any criminal conviction and any final administrative suspension, revocation or termination of a professional or occupational license of the applicant and any other person described in paragraph (c) if such a conviction or suspension, revocation or termination occurred in this State or another jurisdiction within the 5 years immediately preceding the date of the application;*

*(e) The consent of the applicant to the provisions for choice of law and provisions for the selection of a forum as prescribed by the Director; and*

*(f) Any other information deemed necessary by the Director.*

*4. The application must be submitted to the Director and be accompanied by a nonrefundable fee of not more than $1,000. The Director shall account separately for the money received from fees collected pursuant to this section and use that money solely to pay the expenses of administering the Program.*

Sec. 13. *1. The Director may refuse to consider any application submitted pursuant to section 12 of this act if the application does not include the information required by section 12 of this act or any other information deemed necessary by the Director. The applicant shall provide, within the period directed by the Director, any additional information required in connection with the application. If the required information is not provided, the application may be denied by the Director as incomplete.*

*2. Upon receipt of a completed application and payment of the required fee, the Director shall identify and consult with each applicable regulator having an interest in the subject of the application. The consultation is advisory only and not binding on the Director. The consultation may relate to any matter deemed by the Director to be relevant to the application, including, without limitation:*

*(a) Any license or other authorization previously issued by the applicable regulator, or the corresponding regulator in another jurisdiction, to the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act;*

*(b) Any criminal, civil, administrative or other proceeding previously brought by or on behalf of the applicable regulator, or the corresponding regulator in any other jurisdiction, against the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act; and*

*(c) The ability of the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act to qualify for a license or other authorization from the applicable regulator upon the completion of testing.*

*3. Unless the Director and the applicant mutually agree to extend this period, the Director shall approve or deny an application within 90 days after the completed application is received.*

Sec. 14. *1. Except as otherwise provided in this subsection, the Director may approve or deny any application or request submitted pursuant to sections 2 to 31, inclusive, of this act. The Director may not approve an application or request if provision of the relevant financial product or service to consumers in this State would exceed the applicable limitation provided by subsection 2 or 3 of section 16 of this act.*

*2. The Director shall give the applicant or participant written notice of the approval or denial of the application or request within 5 business days after the date of approval or denial.*

*3. The approval or denial of an application or request is final and not subject to administrative or judicial review.*

Sec. 15. *1. If the Director approves an application to participate in the Program:*

*(a) The applicant shall be deemed a participant.*

*(b) The Director shall issue a registration number unique to the approval.*

*(c) Except as otherwise required by the Director pursuant to subsection 2, a product or service offered or provided within the scope of the Program is exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

*2. In addition to any other requirements or limitations of section 16 or 17 of this act that apply to a product or service, the Director may condition approval of an application upon compliance by the participant with one or more provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

*3. A notice of approval of an application given pursuant to section 14 of this act must be accompanied by a copy of the provisions of sections 2 to 31, inclusive, of this act and any applicable regulations of the Director then in effect, and set forth:*

*(a) The registration number applicable to the approval;*

*(b) The period of testing prescribed by section 25 of this act;*

*(c) The general limitations of section 16 of this act, any additional requirements or limitations applicable specifically to the product or service pursuant to section 17 of this act and any conditions imposed pursuant to subsection 2; and*

*(d) Any additional information required by the Director to be disclosed to consumers pursuant to subsection 2 of section 20 of this act.*

Sec. 16. *Any financial product or service provided within the scope of the Program is subject to the following requirements and limitations:*

*1. Any consumer of the product or service must be a resident of this State on the date that the product or service is first provided to the consumer.*

*2. Except as otherwise provided in subsection 3, not more than 5,000 consumers may be provided a given product or service by a participant during the period of testing.*

*3. If the Director approves a request for relief by a participant pursuant to section 19 of this act, not more than 7,500 consumers may be provided a given product or service by the participant during the period of testing.*

Sec. 17. *1. Except as otherwise provided in subsection 2, in addition to complying with any other applicable requirements and limitations, a participant who is testing a financial product or service within the scope of the Program for which a license is otherwise required pursuant to chapter 671 of NRS shall not receive for transmission or transmit during the period of testing:*

*(a) More than $2,500 in any single transaction for a consumer.*

*(b) More than $25,000 in any series of transactions for a consumer.*

*2. If the Director approves a request for relief by a participant pursuant to section 19 of this act, the participant shall not receive for transmission or transmit during the period of testing:*

*(a) More than $15,000 in any single transaction for a consumer.*

*(b) More than $50,000 in any series of transactions for a consumer.*

Sec. 18. (Deleted by amendment.)

Sec. 19. *1. At any time during the period of testing a financial product or service, a participant may submit to the Director a written request for relief from the limitations of subsection 2 of section 16 of this act or subsection 1 of section 17 of this act, or both, as they otherwise apply to the participant.*

*2. In accordance with any regulations adopted pursuant to section 30 of this act, the Director may:*

*(a) Approve a request for relief if the Director determines that the participant has adequate capitalization and satisfactory procedures and processes in place for the oversight of its operations and the management of risk.*

*(b) Rescind or modify at any time his or her approval of a request for relief.*

*3. The approval, denial, rescission or modification of approval of a request for relief is final and not subject to administrative or judicial review.*

Sec. 20. *1. Before providing any financial product or service to a consumer, a participant shall disclose to the consumer:*

*(a) The name and contact information of the participant;*

*(b) The registration number applicable to the product or service, as issued by the Director pursuant to section 15 of this act;*

*(c) The fact that the product or service is generally exempt from any provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 of this act;*

*(d) If applicable, the fact that the participant is not the holder of a license or other authorization in this State to provide any product or service outside the scope of the Program;*

*(e) The fact that the participant has been approved to provide the product or service pursuant to sections 2 to 31, inclusive, of this act, but that the product or service is not endorsed or recommended by the Director or any governmental agency;*

*(f) The fact that the product or service is provided as part of a test and may be discontinued at or before the end of the test, with the date on which the test is expected to end; and*

*(g) The fact that the consumer may submit a complaint to the Director relating to the product or service, with the telephone number and Internet address of the Internet website maintained by the Director pursuant to section 21 of this act.*

*2. The Director may condition approval of an application to participate in the Program on, or require at any time thereafter, the disclosure by a participant of information relating to a product or service in addition to the disclosures required by subsection 1. The Director shall give written notice to the participant of any additional disclosures required pursuant to this subsection.*

*3. The disclosures required by subsections 1 and 2, as applicable, must be clear and conspicuous and must be provided in English and Spanish. If a product or service is provided through an Internet website or mobile application, the consumer must acknowledge receipt of the disclosures before the completion of any transaction.*

Sec. 21. *The Director shall establish and maintain a toll-free telephone number and Internet website through which a consumer may submit a complaint relating to any financial product or service provided by a participant.*

Sec. 22. *1. The Director may establish by regulation periodic reporting requirements for participants in the Program.*

*2. On request by the Director, a participant shall make any requested record, information or data available for inspection and copying by the Director.*

*3. Each participant shall retain, for not less than 2 years after the end of the prescribed period of testing or for such longer period as the Director requires by order or regulation, all records and data produced in the ordinary course of business relating to a financial product or service tested in the Program.*

*4. If a product or service fails before the end of the period of testing, the participant shall:*

*(a) Give written notice of the failure to the Director.*

*(b) Include in the notice a description of any action taken by the participant to protect consumers from financial loss or other harm caused by the failure.*

*5. In addition to providing any other disclosure or notice of the unauthorized acquisition of computerized data required by any applicable statute or regulation, a participant shall promptly notify the Director of any unauthorized acquisition of computerized data constituting a breach of the security of the system data as that term is defined in NRS 603A.020.*

Sec. 23. *1. Any record or information in a record submitted to or obtained by the Director or an applicable regulator pursuant to sections 2 to 31, inclusive, of this act:*

*(a) Except as otherwise provided in this section, is confidential and not a public book or record within the meaning of NRS 239.010.*

*(b) May be disclosed by the Director or an applicable regulator to:*

*(1) Any governmental agency or official; or*

*(2) A federal, state or county grand jury in response to a lawful subpoena.*

*2. Any disclosure pursuant to subsection 1 of a complaint relating to a financial product or service or the results of an examination, inquiry or investigation relating to a participant or product or service does not make the relevant record or information in a record a public record within the meaning of NRS 239.010, and a participant shall not disclose any such record or information to the general public except in connection with any disclosure required by law. A participant shall not disclose, use or refer to any comments, conclusions or results of an examination, inquiry or investigation in any communication to a consumer or potential consumer.*

*3. The Director and any applicable regulator are immune from civil liability for any damages sustained because of a disclosure of any record or information in a record that is received or obtained pursuant to sections 2 to 31, inclusive, of this act.*

*4. Nothing contained in this section shall be deemed to preclude the disclosure of any record or information in a record that is admissible in evidence in any civil or criminal proceeding brought by a state or federal law enforcement agency to enforce or prosecute a civil or criminal violation of any law.*

Sec. 24. *Any information, writing, signature, record or disclosure required by the provisions of sections 2 to 31, inclusive, of this act or any regulation adopted pursuant thereto, may:*

*1. Be obtained, recorded, provided or maintained by a participant in electronic form.*

*2. With the approval of the Director, be substituted by a participant with any substantially equivalent information, writing, signature, record or disclosure.*

Sec. 25. *Unless a timely request for an extension of the period of testing is made and approved pursuant to section 26 of this act:*

*1. The period of testing for a financial product or service ends 2 years after the date of the notice given pursuant to section 14 of this act.*

*2. Except as otherwise provided in this subsection, the participant shall, within 60 days after the end of the period of testing, wind down the test and cease offering or providing the product or service. If the product or service entails the performance of any ongoing duty or function, such as the servicing of a loan, the participant shall continue to perform or contract with another person for the continued performance of the duty or function.*

Sec. 26. *1. A participant may request an extension of the period of testing to apply for any license or other authorization required for the financial product or service by any statute or regulation of this State. A participant who*

*desires such an extension must submit a written request to the Director not less than 30 days before the end of the period of testing.*

*2. The Director shall:*

*(a) Approve or deny the requested extension before the end of the prescribed period of testing; and*

*(b) Give written notice of the approval or denial as provided in section 14 of this act.*

*3. Only one extension of the period of testing may be granted pursuant to this section. Any such extension must not exceed 1 year in duration.*

*4. A participant who obtains an extension shall report periodically to the Director, in writing, on the status of the efforts of the participant to obtain a license or other authorization. The first such report must be submitted within 90 days after the date of the notice described in subsection 2, and subsequent reports must be submitted at intervals of not more than 90 days until the application of the participant for a license or other authorization is finally approved or finally denied by the applicable regulator.*

Sec. 27. *1. If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission in violation of any provision of sections 2 to 31, inclusive, of this act or any other applicable statute or regulation for which a civil or criminal penalty is prescribed, the Director may:*

*(a) Request that the Attorney General bring an action in any court of competent jurisdiction to enjoin the violation;*

*(b) Remove the participant from the Program or order the participant to exit the Program; or*

*(c) Take any combination of those actions.*

*2. A removal of or compelled exit of a participant from the Program is final and not subject to administrative or judicial review.*

Sec. 28. *1. Nothing contained in sections 2 to 31, inclusive, of this act shall be deemed to prohibit a participant who holds a license or other authorization in another jurisdiction from acting in accordance with that license or authorization.*

*2. The Director may enter into an agreement with any governmental agency or official of any other jurisdiction to authorize:*

*(a) A participant to operate in such a jurisdiction; or*

*(b) A person who is authorized to operate in such a jurisdiction to be a participant.*

Sec. 29. *For the purposes of any federal statute or regulation requiring a participant to hold a license or other authorization from this State in connection with a financial product or service, a participant shall be deemed to hold such a license or other authorization.*

Sec. 30. *1. The Director shall, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General, adopt regulations that establish protections for consumers of financial products or services provided through the Program.*

*2. The Director may adopt such other regulations as he or she deems necessary to carry out the provisions of sections 2 to 31, inclusive, of this act.*

Sec. 31. *1. On or before March 1 of each year, the Director of the Department of Business and Industry shall prepare and submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, a report on the operation and status of the Program.*

*2. The report must include, for the immediately preceding calendar year:*

*(a) The number of applications submitted to participate in the Program, and the number of applications that were approved or denied;*

*(b) With respect to the applications that were denied, a description of the reasons for denial; and*

*(c) With respect to the applications that were approved:*

*(1) A description of each financial product or service provided by each participant in the Program;*

*(2) A statement of the number of participants providing each product or service; and*

*(3) An estimate of the number of consumers using each product or service.*

*3. The report may include any recommendations for legislation relating to the Program and any other information that the Director of the Department of Business and Industry deems relevant.*

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910,

271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 23 of this act*, sections 35, 38 and 41

of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 36. (Deleted by amendment.)

*Sec. 36.1.* NRS 628.023 is hereby amended to read as follows:

628.023 "Practice of public accounting" means the offering to perform or the performance by a holder of a live permit or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315, for a client or potential client, of one or more services involving the use of skills in accounting or auditing, one or more services relating to advising or consulting with clients on matters relating to management or the preparation of tax returns and the furnishing of advice on matters relating to taxes.

*Sec. 36.15.* NRS 628.315 is hereby amended to read as follows:

628.315 1. Except as otherwise provided in this chapter, a natural person who holds a valid license *in good standing* as a certified public accountant *or a certified public accounting firm organized as a partnership, corporation or limited-liability company or a sole proprietorship which holds a valid registration in good standing* from any state other than this State shall be

deemed to be a certified public accountant *or certified public accounting firm* for all purposes under the laws of this State other than this chapter.

2. A natural person *or certified public accounting firm* granted practice privileges pursuant to subsection 1 is not required to obtain ~~[:]~~ *, as applicable:*

(a) A certificate pursuant to NRS 628.190; ~~[or]~~

(b) A permit pursuant to NRS 628.380 ~~[.]~~ *; or*

*(c) A registration pursuant to NRS 628.335.*

3. A natural person granted practice privileges pursuant to subsection 1 and a partnership, corporation, limited-liability company or sole proprietorship that employs such a *natural* person *or a certified public accounting firm granted practice privileges pursuant to subsection 1* shall be deemed to consent, as a condition of the grant of such practice privileges:

(a) To the personal and subject matter jurisdiction, and disciplinary authority, of the Board.

(b) To comply with the provisions of this chapter and the regulations of the Board.

(c) That, in the event that the license from the state wherein the ~~[natural person's]~~ principal place of business *of the natural person or certified public accounting firm* is located becomes invalid ~~[, the]~~ *or not in good standing:*

*(1) The* natural person will cease offering or engaging in the practice of ~~[professional]~~ *public* accounting in this State individually and on behalf of a partnership, corporation, limited-liability company or sole proprietorship ~~[.]~~ *; or*

*(2) The certified public accounting firm will cease offering or engaging in the practice of public accounting in this State.*

(d) To the appointment of the state board that issued the license as the agent upon whom process may be served in any investigation, action or proceeding *by the Board* relating to ~~[the]~~ *:*

*(1) The* natural person or the partnership, corporation, limited-liability company or sole proprietorship ~~[by the Board.~~

~~4. A natural person granted practice privileges pursuant to subsection 1 may perform attest services for a client having his or her home office in this State only if the partnership, corporation, limited-liability company or sole proprietorship that employs the person is registered pursuant to NRS 628.335.]~~ *that employs the natural person; or*

*(2) The certified public accounting firm.*

*Sec. 36.2.* NRS 628.335 is hereby amended to read as follows:

628.335 1. The Board shall grant or renew registration to a partnership, corporation ~~[,]~~ *or* limited-liability company ~~[or sole proprietorship]~~ that demonstrates its qualifications therefor in accordance with this chapter.

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a* partnership, corporation or limited-liability company with an office in this State shall register with the Board if the partnership, corporation or limited-liability company:

(a) Performs attest services;

(b) Performs compilation services;

(c) Is engaged in the practice of public accounting; or

(d) Is styled and known as a certified public accountant or uses the abbreviation "C.P.A."

3. ~~[A]~~ *An entity that is organized as a* partnership, corporation ~~[,]~~ *or* limited-liability company ~~[or sole proprietorship that does not have an office in this State:~~

~~(a) Shall register with the Board if the partnership, corporation, limited-liability company or sole proprietorship performs attest services for a client having his or her home office in this State.~~

~~(b) May practice public accounting, may perform compilation services or other professional services within the practice of public accounting other than attest services for a client having his or her home office in this State, may be styled and known as a certified public accountant and may use the title or designation "certified public accountant" and the abbreviation "C.P.A." without registering with the Board if:~~

~~(1) Persons who are certified public accountants in any state constitute a simple majority, in terms of financial interests and voting rights of all partners, shareholders, officers, members and principals thereof, of the ownership of the partnership, corporation, limited-liability company or sole proprietorship;~~

~~(2) The partnership, corporation, limited-liability company or sole proprietorship complies with the provisions of subsection 5 of NRS 628.325, if applicable;~~

~~(3) A natural person granted practice privileges pursuant to NRS 628.315 practices such public accounting or performs such compilation services or such other professional services within the practice of public accounting for the client having his or her home office in this State; and~~

~~(4) The partnership, corporation, limited-liability company or sole proprietorship can lawfully perform such services in the state where the natural person described in subparagraph (3) has his or her principal place of business.~~

~~4. A natural person granted practice privileges pursuant to NRS 628.315 must not be required to obtain a permit from this State pursuant to NRS 628.380 if the person performs such professional services for:~~

~~(a) Which a partnership, corporation, limited-liability company or sole proprietorship is required to register pursuant to subsection 2 or 3; or~~

~~(b) A partnership, corporation or limited-liability company registered pursuant to the provisions of NRS 628.325.]~~ *is not required to register with the Board pursuant to this section if:*

*(a) The entity is not styled or known as a firm of certified public accountants;*

*(b) The entity is not using the title or designation "certified public accountant" or the abbreviation "C.P.A."; and*

*(c) The sole business of the entity is preparing tax returns or schedules in support of tax returns.*

*Sec. 36.25.* NRS 628.340 is hereby amended to read as follows:

628.340 1. A partnership required to register with the Board pursuant to NRS 628.335 must meet the following requirements:

(a) At least one general partner must be ~~[either]~~ a certified public accountant of this State in good standing . ~~[or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(b) Each partner who is a resident of this State and is personally and regularly engaged within this State in the practice of public accounting as a member thereof, or whose principal place of business is in this State and who is engaged in the practice of ~~[professional]~~ *public* accounting in this State, must be a certified public accountant of this State in good standing.

(c) Each partner who is personally and regularly engaged in the practice of public accounting in this State must be ~~[either]~~ a certified public accountant of this State in good standing . ~~[or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(d) Each partner who is regularly engaged in the practice of public accounting within the United States must be a certified public accountant in good standing of some state or jurisdiction of the United States.

(e) Each manager in charge of an office of the partnership in this State must be ~~[either]~~ a certified public accountant of this State in good standing . ~~[or a natural person granted practice privileges pursuant to NRS 628.315.]~~

(f) A corporation or limited-liability company which is registered pursuant to NRS 628.343 or 628.345 may be a partner, and a partnership which is registered pursuant to this section may be a general partner, in a partnership engaged in the practice of public accounting.

2. Application for registration must be made upon the affidavit of ~~[either]~~ a general partner who holds a live permit to practice in this State as a certified public accountant . ~~[or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A partnership which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its partnership name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a partner from any partnership so registered.

*Sec. 36.3.* NRS 628.343 is hereby amended to read as follows:

628.343 1. A corporation required to register with the Board pursuant to NRS 628.335 shall comply with the following requirements:

(a) The sole purpose and business of the corporation must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the corporation may invest its money in a manner not incompatible with the practice of public accounting.

(b) The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation must be a certified public accountant of ~~[some state]~~ *this State* in good standing.

(c) At least one shareholder of the corporation must be ~~[either]~~ a certified public accountant of this State in good standing . ~~[or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(d) Each manager in charge of an office of the corporation in this State and each shareholder or director who is regularly and personally engaged within this State in the practice of public accounting must be ~~[either]~~ a certified public accountant of this State in good standing . ~~[or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of stock, there must be a written agreement binding the shareholders or the corporation to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder. The corporation may retire any amount of stock for this purpose, notwithstanding any impairment of its capital, so long as one share remains outstanding.

(f) The corporation shall comply with other regulations pertaining to corporations practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of ~~[either]~~ a shareholder who holds a live permit to practice in this State as a certified public accountant . ~~[or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A corporation which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its corporate name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a shareholder from any corporation so registered.

*Sec. 36.35.* NRS 628.345 is hereby amended to read as follows:

628.345 1. A limited-liability company required to register with the Board pursuant to NRS 628.335 shall comply with the following requirements:

(a) The sole purpose and business of the limited-liability company must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the limited-liability company may invest its money in a manner not incompatible with the practice of public accounting.

(b) The manager, if any, of the limited-liability company must be a certified public accountant of ~~[some state]~~ *this State* in good standing.

(c) At least one member of the limited-liability company must be ~~[either]~~ a certified public accountant of this State in good standing . ~~[or, if the limited-liability company is required to register pursuant to paragraph (a) of~~

~~subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(d) Each person in charge of an office of the limited-liability company in this State and each member who is regularly and personally engaged within this State in the practice of public accounting must be ~~[either]~~ a certified public accountant of this State in good standing. ~~[or, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

(e) In order to facilitate compliance with the provisions of this section relating to the ownership of interests, there must be a written agreement binding the members or the limited-liability company to purchase any interest offered for sale by, or not under the ownership or effective control of, a qualified member.

(f) The limited-liability company shall comply with other regulations pertaining to limited-liability companies practicing public accounting in this State adopted by the Board.

2. Application for registration must be made upon the affidavit of the manager or a member of the limited-liability company. The affiant must hold a live permit to practice in this State as a certified public accountant. ~~[or, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, be a natural person granted practice privileges pursuant to NRS 628.315.]~~ The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A limited-liability company which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a member from any limited-liability company so registered.

*Sec. 36.4.* NRS 628.390 is hereby amended to read as follows:

628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant to NRS 628.315 ~~[or 628.335]~~ or any registration of a partnership, corporation, limited-liability company, sole proprietorship or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may publicly censure the holder of any permit, certificate or registration or any natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315, for any one or any combination of the following causes:

(a) Fraud or deceit in obtaining a certificate as a certified public accountant or in obtaining a permit to practice public accounting under this chapter.

(b) Dishonesty, fraud or gross negligence by a certified public accountant or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315.

(c) Violation of any of the provisions of this chapter.

(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.

(e) Conviction of a felony relating to the practice of public accounting under the laws of any state or jurisdiction.

(f) Conviction of any crime:

(1) An element of which is dishonesty or fraud; or

(2) Involving moral turpitude,

➥ under the laws of any state or jurisdiction.

(g) Cancellation, revocation, suspension, placing on probation or refusal to renew authority to practice as a certified public accountant by any other state, for any cause . ~~[other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his or her practice in the other state.]~~

(h) Suspension, revocation or placing on probation of the right to practice before any state or federal agency.

(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:

(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate; or

(2) Sixty days after the date upon which the holder of a certificate was granted the certificate, if no permit was ever issued to the person, unless the failure has been excused by the Board.

(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.

(k) Making a false or misleading statement in support of an application for a certificate or permit of another person.

(l) Committing an act in another state or jurisdiction which would be subject to discipline in that state.

2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:

(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:

(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or

(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;

(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;

(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or

(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).

3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than $5,000 for each violation of this section.

4. The Board shall not privately censure the holder of any permit or certificate or any natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315.

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

*Sec. 36.45.* NRS 628.430 is hereby amended to read as follows:

628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.

*Sec. 36.5.* NRS 628.435 is hereby amended to read as follows:

628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.

2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.

3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.

4. As used in this section:

(a) "Documentation related to an attestation" includes, without limitation:

(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and

(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.

(b) "Practitioner" means:

(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, or a permit issued pursuant to NRS 628.380;

(2) A partnership, corporation, limited-liability company or sole proprietorship registered pursuant to NRS 628.335; or

(3) A natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315.

*Sec. 36.55.* NRS 628.460 is hereby amended to read as follows:

628.460 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of certified public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~[Performing services within the practice of public accounting]~~ *Granted practice privileges* pursuant to the provisions of ~~[subsection 3 of]~~ NRS ~~[628.335.]~~ *628.315.*

*Sec. 36.6.* NRS 628.480 is hereby amended to read as follows:

628.480 A partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited-liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered as a partnership, corporation, limited-liability company or sole proprietorship of certified public accountants and all offices of the partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~[Performing services within the practice of public accounting]~~ *Granted practice privileges* pursuant to ~~[the provisions of subsection 3 of]~~ NRS ~~[628.335.]~~ *628.315.*

*Sec. 36.65.* NRS 628.490 is hereby amended to read as follows:

628.490 1. Except as otherwise provided in subsection 2 and NRS 628.450 to 628.480, inclusive, a person, partnership, corporation, limited-liability company or sole proprietorship shall not assume or use the title or designation "certified accountant," or any other title or designation likely to be confused with "certified public accountant" or "public accountant," or any of the abbreviations "C.A." or "P.A." or similar abbreviations likely to be confused with "C.P.A."

2. ~~[Anyone]~~ *Any person, partnership, corporation, limited-liability company or sole proprietorship* who:

(a) Holds a live permit pursuant to NRS 628.380 or is registered as a partnership, corporation, limited-liability company or sole proprietorship pursuant to the provisions of this chapter and all of whose offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; *or*

(b) Has been granted practice privileges pursuant to NRS 628.315 , ~~[; or~~

~~(c) Is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335,]~~

➥ may hold himself or herself out to the public as an "accountant," "auditor" or "certified public accountant."

*Sec. 36.7.* NRS 628.510 is hereby amended to read as follows:

628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited-liability company or sole proprietorship, or any trade or assumed name used by the person or by the partnership, corporation, limited-liability company or sole proprietorship in business, with any wording indicating that he or she is an accountant or auditor, or that the partnership, corporation, limited-liability company or sole proprietorship is authorized to practice as an accountant or auditor or with any wording indicating that the person or the partnership, corporation, limited-liability company or sole proprietorship has expert knowledge in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless:

(a) The person holds a live permit or the partnership, corporation, limited-liability company or sole proprietorship is registered pursuant to NRS 628.335 and all of the person's offices in this State for the practice of public accounting are maintained and registered under NRS 628.370;

(b) The person is a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315 . ~~[; or~~

~~(c) The partnership, corporation, limited-liability company or sole proprietorship is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.]~~

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, principal or member of any organization from affixing his or her signature to any statement or report in reference to the

financial affairs of that organization with any wording designating the position, title or office which he or she holds in the organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

(c) Any person who does not hold a live permit from preparing a financial statement or issuing a report if the statement or report, respectively, includes a disclosure that:

(1) The person who prepared the statement or issued the report does not hold a live permit issued by the Board; and

(2) The statement or report does not purport to have been prepared in compliance with the professional standards of accounting adopted by the Board.

*Sec. 36.75.* NRS 628.520 is hereby amended to read as follows:

628.520 A person shall not sign or affix the name of a partnership, corporation, limited-liability company or sole proprietorship with any wording indicating that it is a partnership, corporation, limited-liability company or sole proprietorship composed of accountants or auditors or persons having expert knowledge or special expertise in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless the partnership, corporation, limited-liability company or sole proprietorship is:

1. Registered pursuant to NRS 628.335 and all of its offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or

2. ~~[Performing services within the practice of public accounting]~~ *Granted practice privileges* pursuant to ~~[the provisions of subsection 3 of]~~ NRS ~~[628.335.]~~ *628.315.*

*Sec. 36.8.* NRS 628.540 is hereby amended to read as follows:

628.540 1. Except as otherwise provided in subsection 2, a person, partnership, corporation, limited-liability company or sole proprietorship shall not engage in the practice of public accounting or hold himself, herself or itself out to the public as an "accountant" or "auditor" by use of either or both of those words in connection with any other language which implies that such a person or firm holds a certificate, permit or registration or has special competence as an accountant or auditor on any sign, card, letterhead or in any advertisement or directory unless:

(a) If a natural person, he or she holds a live permit or has been granted practice privileges pursuant to NRS 628.315; or

(b) If a partnership, corporation, limited-liability company or sole proprietorship, it is registered pursuant to NRS 628.335 or ~~[is performing services within the practice of public accounting]~~ *has been granted practice privileges* pursuant to ~~[the provisions of subsection 3 of]~~ NRS ~~[628.335.]~~ *628.315.*

2. The provisions of subsection 1 do not prohibit:

(a) Any officer, employee, partner, shareholder, principal or member of any organization from describing himself or herself by the position, title or office he or she holds in that organization.

(b) Any act of a public official or public employee in the performance of his or her duties as such.

*Sec. 36.85.* NRS 628.550 is hereby amended to read as follows:

628.550 1. A person shall not assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership, corporation or limited-liability company, or in conjunction with the designation "and Company" or "and Co." or a similar designation, if there is in fact no bona fide partnership, corporation or limited-liability company:

(a) Registered under NRS 628.335; or

(b) ~~[Performing services within the practice of public accounting]~~ *Granted practice privileges* pursuant to ~~[the provisions of subsection 3 of]~~ NRS ~~[628.335.]~~ *628.315*.

2. A person, partnership, corporation or limited-liability company shall not engage in the practice of public accounting under any name which is misleading as to:

(a) The legal form of the firm;

(b) The persons who are partners, officers, shareholders or members; or

(c) Any other matter.

➥ The names of past partners, shareholders or members may be included in the name of a firm or its successors.

Sec. 37. Chapter 645A of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 38. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or married couple, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person;

(b) Secured by a dwelling that served as the person's residence; or

(c) If:

(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;

(2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;

(e) Which does not profit from the sale of a dwelling to a borrower; and

(f) Which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

*13. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, a participant in the*

*Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 39. Chapter 645F of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 40. Chapter 645G of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 41. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this title do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 42. Chapter 673 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 42.5. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. "Commissioner" means the Commissioner of Financial Institutions.

4. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

5. *"Internet lender" means a person who makes loans exclusively through the Internet. ]*

*6.* "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~[6.]~~ *7.* "Licensee" means a person to whom one or more licenses have been issued.

Sec. 43. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage companies, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

*12. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 43.3. NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if ~~[the applicant]~~ *:*

*(a) The applicant is an Internet lender;* or

*(b) The applicant or* a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State . ~~[and if the applicant submits]~~

*4. A person who wishes to apply for a license pursuant to subsection 3 must submit* with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

~~[4.]~~ *5.* The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 43.7. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in ~~[subsection]~~ *subsections* 2 ~~[,]~~ *and 3,* a licensee may not conduct the business of making loans under this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

(1) Operate as separate legal entities;

(2) Maintain separate accounts, books and records;

(3) Are subsidiaries of the same parent corporation; and

(4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

*3. A licensee who is an Internet lender may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.*

Sec. 44. NRS 676A.270 is hereby amended to read as follows:

676A.270 1. This chapter does not apply to an agreement with an individual who the provider has no reason to know resides in this State at the time of the agreement.

2. This chapter does not apply to a provider to the extent that the provider:

(a) Provides or agrees to provide debt-management, educational or counseling services to an individual who the provider has no reason to know resides in this State at the time the provider agrees to provide the services; or

(b) Receives no compensation for debt-management services from or on behalf of the individuals to whom it provides the services or from their creditors.

3. This chapter does not apply to the following persons or their employees when the person or the employee is engaged in the regular course of the person's business or profession:

(a) A judicial officer, a person acting under an order of a court or an administrative agency or an assignee for the benefit of creditors;

(b) A bank;

(c) An affiliate, as defined in paragraph (a) of subsection 2 of NRS 676A.030, of a bank if the affiliate is regulated by a federal or state banking regulatory authority; or

(d) A title insurer, escrow company or other person that provides bill-paying services if the provision of debt-management services is incidental to the bill-paying services.

*4. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, this chapter does not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 45. Chapter 677 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for*

*Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 46. Chapter 678 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 47. 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. 47.5.* NRS 628.017 is hereby repealed.

Sec. 48. This act becomes effective:

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

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

TEXT OF REPEALED SECTION

628.017 "Home office" defined. "Home office" means the location specified by a client of an accountant as the address of an entity for which the accountant practices public accounting, performs an attestation or compilation or performs other professional services within the practice of public accounting.

Amendment No. 1130.

SUMMARY—Revises provisions relating to certain financial businesses, products and services. (BDR 52-875)

AN ACT relating to financial businesses; requiring the Director of the Department of Business and Industry to establish and administer the Regulatory Experimentation Program for Product Innovation; setting forth the requirements for the operation of the Program; providing for a temporary exemption from certain statutory and regulatory requirements related to financial products and services for a participant in the Program under certain circumstances; requiring the Director to submit to the Legislature an annual report on the Program; ~~[revising provisions governing the registration by the Nevada State Board of Accountancy of partnerships, corporations, limited liability companies and sole proprietorships;]~~ revising provisions relating to persons who make loans exclusively via the Internet; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing provisions of chapters 645A, 645B, 645F and 645G of NRS, titles 55 and 56 of NRS and the various regulations adopted pursuant to those statutes impose licensing and other regulatory requirements on the provision of certain financial products and services, ranging from consumer lending to banking and debt counseling. This bill, modeled after similar legislation from

Arizona, generally provides for the establishment and administration of a program by the Director of the Department of Business and Industry under which persons offering or providing such a product or service in a technically innovative way may seek a temporary exemption from some or all of the statutory and regulatory provisions that otherwise apply to the product or service. (Ariz. Rev. Stat. Ann. §§ 41-5601 et seq.) At the end of the period of exemption, a participant in the program must cease to provide the product or service or continue operations in accordance with applicable licensing and other requirements.

Section 11 of this bill requires the Director to establish and administer the Regulatory Experimentation Program for Product Innovation. A person who desires to become a participant in the Program is required by section 12 of this bill to submit an application to the Director. If the Director approves the application, section 15 of this bill provides that the product or service of the participant is generally exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant to any of those statutes, except as the Director may otherwise require. Section 46.3 of this bill imposes certain temporary limitations on the number of persons who may participate in the Program.

Sections 16 and 17 of this bill establish requirements and limitations on the provisions of a product or service under the Program. Section 16 of this bill limits the number of consumers in this State to whom a product or service may be provided by a participant, while section 17 of this bill imposes certain specific requirements and limitations applicable to participants who are transmitters of money. Section 19 of this bill authorizes the Director to grant relief from some of these requirements and limitations under certain circumstances.

Sections 20-24 of this bill govern the operation of the Program. Section 20 of this bill sets forth certain disclosures that must be made before a product or service is provided to a recipient of the product or service. Section 21 of this bill requires the Director to establish a system for the submission of complaints. Sections 22 and 23 of this bill contain provisions relating to recordkeeping and the confidentiality of records relating to the Program.

Pursuant to sections 25 and 26 of this bill, the period of participation in the Program is generally limited to 2 years, at which time a participant must cease to offer or provide a product or service under the Program. A participant may seek an extension of this period to apply for any license or other authorization otherwise required for the product or service.

Section 26.3 of this bill authorizes the Director to take certain actions if a participant has engaged in, is engaging in or threatens to engage in any act or omission that the Director determines is inconsistent with the health, safety or welfare of consumers or the public generally. Section 27 of this bill authorizes the Director to act to enjoin or otherwise prevent any violation of the provisions governing the Program. Section 30 of this bill: (1) requires the Director, in consultation with the Consumer's Advocate of the Bureau of

Consumer Protection in the Office of the Attorney General and the applicable regulator, to adopt certain regulations for the protection of consumers of financial products or services through the Program; and (2) authorizes the Director to adopt any other regulations necessary to carry out the Program. Section 31 of this bill requires the Director to report annually to the Legislature on the status of the Program. Sections 35, 37-42, 43 and 44-47 of this bill make conforming changes.

~~[ Existing law grants practice privileges in this State to a natural person who holds a valid license as a certified public accountant in another state, territory or possession of the United States or the District of Columbia. (NRS 628.033, 628.315) Such a natural person is not required to obtain a certificate of certified public accountant or a permit to engage in the practice of public accounting from the Nevada State Board of Accountancy but is required to consent to certain specified conditions, including consent to the disciplinary authority of the Board. (NRS 628.315) Section 36.15 of this bill extends the authority of the Board to grant such practice privileges to a certified public accounting firm organized as a partnership, corporation or limited liability company or a sole proprietorship which holds a valid registration in good standing from another state, territory or possession of the United States or the District of Columbia. Such a certified public accounting firm is not required to register with the Board, but is required to consent to the same conditions as natural persons, such as consent to the disciplinary authority of the Board. Sections 36.1, 36.25 36.85 and 47.5 of this bill make conforming changes. Section 36.2 of this bill exempts certain entities whose sole business is preparing tax returns and related schedules from the requirement of registration.]~~

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner of Financial Institutions for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) Under existing law, a person who wishes to obtain a license for an office or place of business located outside of this State is required, among other requirements, to have a license for an office or place of business located inside this State. (NRS 675.090) Section 43.3 of this bill authorizes persons who make loans exclusively via the Internet, who are designated by section 42.5 of this bill as "Internet lenders," to apply for a license to engage in the business of lending for an office or place of business located outside of this State without having a license for an office or place of business located inside this State. Section 43.7 of this bill exempts Internet lenders from provisions of existing law which prohibit persons from conducting the business of making loans in the same office or place of business as any other business. (NRS 675.230)

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 31, inclusive, of this act.

Sec. 2. *As used in sections 2 to 31, inclusive, of this act, unless the context*

*otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Applicable regulator" means the Commissioner of Mortgage Lending, the Division of Mortgage Lending of the Department of Business and Industry, the Commissioner of Financial Institutions or the Division of Financial Institutions of the Department of Business and Industry, as applicable, responsible for regulating a financial product or service.*

Sec. 4. (Deleted by amendment.)

Sec. 5. *"Consumer" means any person who purchases or otherwise enters into a transaction or agreement to receive a financial product or service.*

Sec. 5.5. *"Director" means the Director of the Department of Business and Industry.*

Sec. 6. *"Financial product or service" or "product or service" means any product, service, activity, business model, mechanism for delivery or element of any of these that:*

*1. Includes an innovation; and*

*2. But for the provisions of sections 2 to 31, inclusive, of this act, is governed by the provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

Sec. 7. *"Innovation" means any use of a new or emerging technology, or any novel use of an existing technology, to address a problem, provide a benefit or otherwise offer or provide a financial product or service that is determined by the Director not to be widely available in this State.*

Sec. 8. *"Participant" means a person whose application to participate in the Program has been approved by the Director pursuant to section 14 of this act.*

Sec. 9. *"Program" means the Regulatory Experimentation Program for Product Innovation established and administered by the Director pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 10. *"Test" means to offer or provide a financial product or service through the Program.*

Sec. 11. *In consultation with each applicable regulator, the Director shall establish and administer the Regulatory Experimentation Program for Product Innovation to enable a person to obtain limited access to markets in this State to test a financial product or service without:*

*1. Applying for or obtaining any license or other authorization otherwise required by any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto; or*

*2. Otherwise complying with any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 or 26.3 of this act.*

Sec. 12. *1. A person who desires to participate in the Program to test a financial product or service must submit a written application in accordance*

*with this section, in the form prescribed by the Director. A separate application must be filed for each product or service proposed for testing.*

*2. The application must show that the applicant will at all times during the test:*

*(a) Be subject to the exercise of personal jurisdiction by the courts of this State; and*

*(b) Establish and maintain a physical or virtual location that is reasonably accessible to the Director, from which testing will occur and at which all records, documents and data required by sections 2 to 31, inclusive, of this act will be maintained.*

*3. The application must include:*

*(a) A description of the product or service proposed for testing and an explanation of:*

*(1) The innovation included in the product or service;*

*(2) The regulatory scheme otherwise applicable to the product or service outside the Program;*

*(3) Any benefit of the product or service to consumers;*

*(4) Any risk of financial loss or other harm to consumers associated with the product or service;*

*(5) The nature or features of the product or service that distinguish it from any similar product or service available in this State; and*

*(6) The manner in which participation in the Program will facilitate a successful test of the product or service;*

*(b) A statement of the proposed plan for testing the product or service, including:*

*(1) An estimate of the dates or periods of time anticipated for entry into and exit from the relevant market in this State;*

*(2) Measures to protect consumers from financial loss or other harm caused by a failure of the test; and*

*(3) The plan to wind up and terminate the test;*

*(c) The full legal name, address, telephone number, electronic mail address and website address of the applicant and, if the applicant is not a natural person, each officer, director or other principal of the applicant;*

*(d) A description of any criminal conviction and any final administrative suspension, revocation or termination of a professional or occupational license of the applicant and any other person described in paragraph (c) if such a conviction or suspension, revocation or termination occurred in this State or another jurisdiction within the 5 years immediately preceding the date of the application;*

*(e) The consent of the applicant to the provisions for choice of law and provisions for the selection of a forum as prescribed by the Director; and*

*(f) Any other information deemed necessary by the Director.*

*4. The application must be submitted to the Director and be accompanied by a nonrefundable fee of not more than $1,000. The Director shall account*

*separately for the money received from fees collected pursuant to this section and use that money solely to pay the expenses of administering the Program.*

Sec. 13. *1. The Director may refuse to consider any application submitted pursuant to section 12 of this act if the application does not include the information required by section 12 of this act or any other information deemed necessary by the Director. The applicant shall provide, within the period directed by the Director, any additional information required in connection with the application. If the required information is not provided, the application may be denied by the Director as incomplete.*

*2. Upon receipt of a completed application and payment of the required fee, the Director shall identify and consult with each applicable regulator having an interest in the subject of the application. The consultation is advisory only and not binding on the Director. The consultation may relate to any matter deemed by the Director to be relevant to the application, including, without limitation:*

*(a) Any license or other authorization previously issued by the applicable regulator, or the corresponding regulator in another jurisdiction, to the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act;*

*(b) Any criminal, civil, administrative or other proceeding previously brought by or on behalf of the applicable regulator, or the corresponding regulator in any other jurisdiction, against the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act; and*

*(c) The ability of the applicant or any other person described in paragraph (c) of subsection 3 of section 12 of this act to qualify for a license or other authorization from the applicable regulator upon the completion of testing.*

*3. Unless the Director and the applicant mutually agree to extend this period, the Director shall approve or deny an application within 90 days after the completed application is received.*

Sec. 14. *1. Except as otherwise provided in this subsection, the Director may approve or deny any application or request submitted pursuant to sections 2 to 31, inclusive, of this act. The Director may not approve an application or request if provision of the relevant financial product or service to consumers in this State would exceed the applicable limitation provided by subsection 2 or 3 of section 16 of this act.*

*2. The Director shall give the applicant or participant written notice of the approval or denial of the application or request within 5 business days after the date of approval or denial.*

*3. The approval or denial of an application or request is final and not subject to administrative or judicial review.*

Sec. 15. *1. If the Director approves an application to participate in the Program:*

*(a) The applicant shall be deemed a participant.*

*(b) The Director shall issue a registration number unique to the approval.*

*(c) Except as otherwise required by the Director pursuant to subsection 2 or section 26.3 of this act, a product or service offered or provided within the scope of the Program is exempt from any provision of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

*2. In addition to any other requirements or limitations of section 16 or 17 of this act that apply to a product or service, the Director may condition approval of an application upon compliance by the participant with one or more provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto.*

*3. A notice of approval of an application given pursuant to section 14 of this act must be accompanied by a copy of the provisions of sections 2 to 31, inclusive, of this act and any applicable regulations of the Director then in effect, and set forth:*

*(a) The registration number applicable to the approval;*

*(b) The period of testing prescribed by section 25 of this act;*

*(c) The general limitations of section 16 of this act, any additional requirements or limitations applicable specifically to the product or service pursuant to section 17 of this act and any conditions imposed pursuant to subsection 2 or section 26.3 of this act; and*

*(d) Any additional information required by the Director to be disclosed to consumers pursuant to subsection 2 of section 20 of this act.*

Sec. 16. *Any financial product or service provided within the scope of the Program is subject to the following requirements and limitations:*

*1. Any consumer of the product or service must be a resident of this State on the date that the product or service is first provided to the consumer.*

*2. Except as otherwise provided in subsection 3, not more than 5,000 consumers may be provided a given product or service by a participant during the period of testing.*

*3. If the Director approves a request for relief by a participant pursuant to section 19 of this act, not more than 7,500 consumers may be provided a given product or service by the participant during the period of testing.*

Sec. 17. *1. Except as otherwise provided in subsection 2, in addition to complying with any other applicable requirements and limitations, a participant who is testing a financial product or service within the scope of the Program for which a license is otherwise required pursuant to chapter 671 of NRS shall not receive for transmission or transmit during the period of testing:*

*(a) More than $2,500 in any single transaction for a consumer.*

*(b) More than $25,000 in any series of transactions for a consumer.*

*2. If the Director approves a request for relief by a participant pursuant to section 19 of this act, the participant shall not receive for transmission or transmit during the period of testing:*

*(a) More than $15,000 in any single transaction for a consumer.*

*(b) More than $50,000 in any series of transactions for a consumer.*

Sec. 18. (Deleted by amendment.)

Sec. 19. *1. At any time during the period of testing a financial product or service, a participant may submit to the Director a written request for relief from the limitations of subsection 2 of section 16 of this act or subsection 1 of section 17 of this act, or both, as they otherwise apply to the participant.*

*2. In accordance with any regulations adopted pursuant to section 30 of this act, the Director may:*

*(a) Approve a request for relief if the Director determines that the participant has adequate capitalization and satisfactory procedures and processes in place for the oversight of its operations and the management of risk.*

*(b) Rescind or modify at any time his or her approval of a request for relief.*

*3. The approval, denial, rescission or modification of approval of a request for relief is final and not subject to administrative or judicial review.*

Sec. 20. *1. Before providing any financial product or service to a consumer, a participant shall disclose to the consumer:*

*(a) The name and contact information of the participant;*

*(b) The registration number applicable to the product or service, as issued by the Director pursuant to section 15 of this act;*

*(c) The fact that the product or service is generally exempt from any provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto, except as otherwise required by the Director pursuant to section 15 or 26.3 of this act;*

*(d) If applicable, the fact that the participant is not the holder of a license or other authorization in this State to provide any product or service outside the scope of the Program;*

*(e) The fact that the participant has been approved to provide the product or service pursuant to sections 2 to 31, inclusive, of this act, but that the product or service is not endorsed or recommended by the Director or any governmental agency;*

*(f) The fact that the product or service is provided as part of a test and may be discontinued at or before the end of the test, with the date on which the test is expected to end; and*

*(g) The fact that the consumer may submit a complaint to the Director relating to the product or service, with the telephone number and Internet address of the Internet website maintained by the Director pursuant to section 21 of this act.*

*2. The Director may condition approval of an application to participate in the Program on, or require at any time thereafter, the disclosure by a participant of information relating to a product or service in addition to the disclosures required by subsection 1. The Director shall give written notice to the participant of any additional disclosures required pursuant to this subsection.*

*3. The disclosures required by subsections 1 and 2, as applicable, must be clear and conspicuous and must be provided in English and Spanish. If a product or service is provided through an Internet website or mobile*

*application, the consumer must acknowledge receipt of the disclosures before the completion of any transaction.*

Sec. 21. *The Director shall establish and maintain a toll-free telephone number and Internet website through which a consumer may submit a complaint relating to any financial product or service provided by a participant.*

Sec. 22. *1. The Director may establish by regulation periodic reporting requirements for participants in the Program.*

*2. On request by the Director, a participant shall make any requested record, information or data available for inspection and copying by the Director.*

*3. Each participant shall retain, for not less than 2 years after the end of the prescribed period of testing or for such longer period as the Director requires by order or regulation, all records and data produced in the ordinary course of business relating to a financial product or service tested in the Program.*

*4. If a product or service fails before the end of the period of testing, the participant shall:*

*(a) Give written notice of the failure to the Director.*

*(b) Include in the notice a description of any action taken by the participant to protect consumers from financial loss or other harm caused by the failure.*

*5. In addition to providing any other disclosure or notice of the unauthorized acquisition of computerized data required by any applicable statute or regulation, a participant shall promptly notify the Director of any unauthorized acquisition of computerized data constituting a breach of the security of the system data as that term is defined in NRS 603A.020.*

Sec. 23. *1. Any record or information in a record submitted to or obtained by the Director or an applicable regulator pursuant to sections 2 to 31, inclusive, of this act:*

*(a) Except as otherwise provided in this section, is confidential and not a public book or record within the meaning of NRS 239.010.*

*(b) May be disclosed by the Director or an applicable regulator to:*

*(1) Any governmental agency or official; or*

*(2) A federal, state or county grand jury in response to a lawful subpoena.*

*2. Any disclosure pursuant to subsection 1 of a complaint relating to a financial product or service or the results of an examination, inquiry or investigation relating to a participant or product or service does not make the relevant record or information in a record a public record within the meaning of NRS 239.010, and a participant shall not disclose any such record or information to the general public except in connection with any disclosure required by law. A participant shall not disclose, use or refer to any comments, conclusions or results of an examination, inquiry or investigation in any communication to a consumer or potential consumer.*

*3. The Director and any applicable regulator are immune from civil liability for any damages sustained because of a disclosure of any record or information in a record that is received or obtained pursuant to sections 2 to 31, inclusive, of this act.*

*4. Nothing contained in this section shall be deemed to preclude the disclosure of any record or information in a record that is admissible in evidence in any civil or criminal proceeding brought by a state or federal law enforcement agency to enforce or prosecute a civil or criminal violation of any law.*

Sec. 24. *Any information, writing, signature, record or disclosure required by the provisions of sections 2 to 31, inclusive, of this act or any regulation adopted pursuant thereto, may:*

*1. Be obtained, recorded, provided or maintained by a participant in electronic form.*

*2. With the approval of the Director, be substituted by a participant with any substantially equivalent information, writing, signature, record or disclosure.*

Sec. 25. *Unless a timely request for an extension of the period of testing is made and approved pursuant to section 26 of this act:*

*1. The period of testing for a financial product or service ends 2 years after the date of the notice given pursuant to section 14 of this act.*

*2. Except as otherwise provided in this subsection, the participant shall, within 60 days after the end of the period of testing, wind down the test and cease offering or providing the product or service. If the product or service entails the performance of any ongoing duty or function, such as the servicing of a loan, the participant shall continue to perform or contract with another person for the continued performance of the duty or function.*

Sec. 26. *1. A participant may request an extension of the period of testing to apply for any license or other authorization required for the financial product or service by any statute or regulation of this State. A participant who desires such an extension must submit a written request to the Director not less than 30 days before the end of the period of testing.*

*2. The Director shall:*

*(a) Approve or deny the requested extension before the end of the prescribed period of testing; and*

*(b) Give written notice of the approval or denial as provided in section 14 of this act.*

*3. Only one extension of the period of testing may be granted pursuant to this section. Any such extension must not exceed 1 year in duration.*

*4. A participant who obtains an extension shall report periodically to the Director, in writing, on the status of the efforts of the participant to obtain a license or other authorization. The first such report must be submitted within 90 days after the date of the notice described in subsection 2, and subsequent reports must be submitted at intervals of not more than 90 days until the*

*application of the participant for a license or other authorization is finally approved or finally denied by the applicable regulator.*

Sec. 26.3. *1. If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission that the Director determines is inconsistent with the health, safety or welfare of consumers or the public generally, the Director may:*

*(a) Proceed to adopt a regulation to address the issue pursuant to section 30 of this act;*

*(b) Require the participant to comply with one or more provisions of chapter 645A, 645B, 645F or 645G of NRS, title 55 or 56 of NRS or any regulation adopted pursuant thereto;*

*(c) Remove the participant from the Program or order the participant to exit the Program; or*

*(d) Take any combination of those actions.*

*2. Any action taken by the Director pursuant to this section is final and not subject to judicial or administrative review.*

Sec. 27. *1. If the Director has reasonable cause to believe that a participant has engaged in, is engaging in or threatens to engage in any act or omission in violation of any provision of sections 2 to 31, inclusive, of this act or any other applicable statute or regulation for which a civil or criminal penalty is prescribed, the Director may:*

*(a) Request that the Attorney General bring an action in any court of competent jurisdiction to enjoin the violation;*

*(b) Remove the participant from the Program or order the participant to exit the Program; or*

*(c) Take any combination of those actions.*

*2. A removal of or compelled exit of a participant from the Program is final and not subject to administrative or judicial review.*

Sec. 28. *1. Nothing contained in sections 2 to 31, inclusive, of this act shall be deemed to prohibit a participant who holds a license or other authorization in another jurisdiction from acting in accordance with that license or authorization.*

*2. The Director may enter into an agreement with any governmental agency or official of any other jurisdiction to authorize:*

*(a) A participant to operate in such a jurisdiction; or*

*(b) A person who is authorized to operate in such a jurisdiction to be a participant.*

Sec. 29. *For the purposes of any federal statute or regulation requiring a participant to hold a license or other authorization from this State in connection with a financial product or service, a participant shall be deemed to hold such a license or other authorization.*

Sec. 30. *1. The Director shall, in consultation with the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General and the applicable regulator, adopt regulations that establish*

*protections for consumers of financial products or services provided through the Program.*

*2. The Director may adopt such other regulations as he or she deems necessary to carry out the provisions of sections 2 to 31, inclusive, of this act.*

Sec. 31. *1. On or before March 1 of each year, the Director of the Department of Business and Industry shall prepare and submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, a report on the operation and status of the Program.*

*2. The report must include, for the immediately preceding calendar year:*

*(a) The number of applications submitted to participate in the Program, and the number of applications that were approved or denied;*

*(b) With respect to the applications that were denied, a description of the reasons for denial; and*

*(c) With respect to the applications that were approved:*

*(1) A description of each financial product or service provided by each participant in the Program;*

*(2) A statement of the number of participants providing each product or service; and*

*(3) An estimate of the number of consumers using each product or service.*

*3. The report may include any recommendations for legislation relating to the Program and any other information that the Director of the Department of Business and Industry deems relevant.*

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007,

241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480,

693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 23 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 36. (Deleted by amendment.)

Sec. 36.1. ~~[NRS 628.023 is hereby amended to read as follows:~~

~~628.023 "Practice of public accounting" means the offering to perform or the performance by a holder of a live permit or a natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315, for a client or potential client, of one or more services involving the use of skills in accounting or auditing, one or more services relating to advising or consulting with clients on matters relating to management or the preparation of tax returns and the furnishing of advice on matters relating to taxes.]~~ (Deleted by amendment.)

Sec. 36.15. ~~[NRS 628.315 is hereby amended to read as follows:~~

~~628.315 1. Except as otherwise provided in this chapter, a natural person who holds a valid license *in good standing* as a certified public accountant or~~

~~*a certified public accounting firm organized as a partnership, corporation or limited liability company or a sole proprietorship which holds a valid registration in good standing* from any state other than this State shall be deemed to be a certified public accountant *or certified public accounting firm* for all purposes under the laws of this State other than this chapter.~~

~~2. A natural person *or certified public accounting firm* granted practice privileges pursuant to subsection 1 is not required to obtain [:] *, as applicable:*~~

~~(a) A certificate pursuant to NRS 628.190; [or]~~

~~(b) A permit pursuant to NRS 628.380 [.] *; or*~~

~~*(c) A registration pursuant to NRS 628.335.*~~

~~3. A natural person granted practice privileges pursuant to subsection 1 and a partnership, corporation, limited-liability company or sole proprietorship that employs such a *natural* person *or a certified public accounting firm granted practice privileges pursuant to subsection 1* shall be deemed to consent, as a condition of the grant of such practice privileges:~~

~~(a) To the personal and subject matter jurisdiction, and disciplinary authority, of the Board.~~

~~(b) To comply with the provisions of this chapter and the regulations of the Board.~~

~~(c) That, in the event that the license from the state wherein the [natural person's] principal place of business *of the natural person or certified public accounting firm* is located becomes invalid [, the] *or not in good standing:*~~

~~*(1) The* natural person will cease offering or engaging in the practice of [professional] *public* accounting in this State individually and on behalf of a partnership, corporation, limited liability company or sole proprietorship [.] ; *or*~~

~~*(2) The certified public accounting firm will cease offering or engaging in the practice of public accounting in this State.*~~

~~(d) To the appointment of the state board that issued the license as the agent upon whom process may be served in any investigation, action or proceeding *by the Board* relating to [the] :~~

~~*(1) The* natural person or the partnership, corporation, limited liability company or sole proprietorship [by the Board.~~

~~4. A natural person granted practice privileges pursuant to subsection 1 may perform attest services for a client having his or her home office in this State only if the partnership, corporation, limited liability company or sole proprietorship that employs the person is registered pursuant to NRS 628.335.] *that employs the natural person; or*~~

~~*(2) The certified public accounting firm.]* (Deleted by amendment.)~~

Sec. 36.2. ~~[NRS 628.335 is hereby amended to read as follows:~~

~~628.335 1. The Board shall grant or renew registration to a partnership, corporation [,] or limited liability company [or sole proprietorship] that demonstrates its qualifications therefor in accordance with this chapter.~~

~~2. [A] *Except as otherwise provided in subsection 3, a* partnership, corporation or limited liability company with an office in this State shall~~

~~register with the Board if the partnership, corporation or limited-liability company:~~

~~(a) Performs attest services;~~

~~(b) Performs compilation services;~~

~~(c) Is engaged in the practice of public accounting; or~~

~~(d) Is styled and known as a certified public accountant or uses the abbreviation "C.P.A."~~

~~3. [A]~~ *An entity that is organized as a* ~~partnership, corporation [,] or limited-liability company [or sole proprietorship that does not have an office in this State:~~

~~(a) Shall register with the Board if the partnership, corporation, limited-liability company or sole proprietorship performs attest services for a client having his or her home office in this State.~~

~~(b) May practice public accounting, may perform compilation services or other professional services within the practice of public accounting other than attest services for a client having his or her home office in this State, may be styled and known as a certified public accountant and may use the title or designation "certified public accountant" and the abbreviation "C.P.A." without registering with the Board if:~~

~~(1) Persons who are certified public accountants in any state constitute a simple majority, in terms of financial interests and voting rights of all partners, shareholders, officers, members and principals thereof, of the ownership of the partnership, corporation, limited-liability company or sole proprietorship;~~

~~(2) The partnership, corporation, limited-liability company or sole proprietorship complies with the provisions of subsection 5 of NRS 628.325, if applicable;~~

~~(3) A natural person granted practice privileges pursuant to NRS 628.315 practices such public accounting or performs such compilation services or such other professional services within the practice of public accounting for the client having his or her home office in this State; and~~

~~(4) The partnership, corporation, limited-liability company or sole proprietorship can lawfully perform such services in the state where the natural person described in subparagraph (3) has his or her principal place of business.~~

~~4. A natural person granted practice privileges pursuant to NRS 628.315 must not be required to obtain a permit from this State pursuant to NRS 628.380 if the person performs such professional services for:~~

~~(a) Which a partnership, corporation, limited-liability company or sole proprietorship is required to register pursuant to subsection 2 or 3; or~~

~~(b) A partnership, corporation or limited-liability company registered pursuant to the provisions of NRS 628.325.]~~ *is not required to register with the Board pursuant to this section if:*

~~*(a) The entity is not styled or known as a firm of certified public accountants;*~~

~~*(b) The entity is not using the title or designation "certified public accountant" or the abbreviation "C.P.A."; and*~~

~~*(c) The sole business of the entity is preparing tax returns or schedules in support of tax returns.]*~~ (Deleted by amendment.)

Sec. 36.25. ~~[NRS 628.340 is hereby amended to read as follows:~~

~~628.340 1. A partnership required to register with the Board pursuant to NRS 628.335 must meet the following requirements:~~

~~(a) At least one general partner must be [either] a certified public accountant of this State in good standing . [or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

~~(b) Each partner who is a resident of this State and is personally and regularly engaged within this State in the practice of public accounting as a member thereof, or whose principal place of business is in this State and who is engaged in the practice of [professional] *public* accounting in this State, must be a certified public accountant of this State in good standing.~~

~~(c) Each partner who is personally and regularly engaged in the practice of public accounting in this State must be [either] a certified public accountant of this State in good standing . [or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

~~(d) Each partner who is regularly engaged in the practice of public accounting within the United States must be a certified public accountant in good standing of some state or jurisdiction of the United States.~~

~~(e) Each manager in charge of an office of the partnership in this State must be [either] a certified public accountant of this State in good standing . [or a natural person granted practice privileges pursuant to NRS 628.315.]~~

~~(f) A corporation or limited liability company which is registered pursuant to NRS 628.343 or 628.345 may be a partner, and a partnership which is registered pursuant to this section may be a general partner, in a partnership engaged in the practice of public accounting.~~

~~2. Application for registration must be made upon the affidavit of [either] a general partner who holds a live permit to practice in this State as a certified public accountant . [or, if the partnership is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.] The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A partnership which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its partnership name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a partner from any partnership so registered.]~~ (Deleted by amendment.)

Sec. 36.3. ~~[NRS 628.343 is hereby amended to read as follows:~~

~~628.343 1. A corporation required to register with the Board pursuant to NRS 628.335 shall comply with the following requirements:~~

~~(a) The sole purpose and business of the corporation must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the corporation may invest its money in a manner not incompatible with the practice of public accounting.~~

~~(b) The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation must be a certified public accountant of [some state] *this State* in good standing.~~

~~(c) At least one shareholder of the corporation must be [either] a certified public accountant of this State in good standing . [or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

~~(d) Each manager in charge of an office of the corporation in this State and each shareholder or director who is regularly and personally engaged within this State in the practice of public accounting must be [either] a certified public accountant of this State in good standing . [or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

~~(e) In order to facilitate compliance with the provisions of this section relating to the ownership of stock, there must be a written agreement binding the shareholders or the corporation to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder. The corporation may retire any amount of stock for this purpose, notwithstanding any impairment of its capital, so long as one share remains outstanding.~~

~~(f) The corporation shall comply with other regulations pertaining to corporations practicing public accounting in this State adopted by the Board.~~

~~2. Application for registration must be made upon the affidavit of [either] a shareholder who holds a live permit to practice in this State as a certified public accountant . [or, if the corporation is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.] The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A corporation which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its corporate name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a shareholder from any corporation so registered.]~~ (Deleted by amendment.)

Sec. 36.35. ~~[NRS 628.345 is hereby amended to read as follows:~~

~~628.345 1. A limited-liability company required to register with the Board pursuant to NRS 628.335 shall comply with the following requirements:~~

~~(a) The sole purpose and business of the limited-liability company must be to furnish to the public services not inconsistent with this chapter or the regulations of the Board, except that the limited-liability company may invest its money in a manner not incompatible with the practice of public accounting.~~

~~(b) The manager, if any, of the limited-liability company must be a certified public accountant of [some state] *this State* in good standing.~~

~~(c) At least one member of the limited-liability company must be [either] a certified public accountant of this State in good standing . [or, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

~~(d) Each person in charge of an office of the limited-liability company in this State and each member who is regularly and personally engaged within this State in the practice of public accounting must be [either] a certified public accountant of this State in good standing . [or, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, a natural person granted practice privileges pursuant to NRS 628.315.]~~

~~(e) In order to facilitate compliance with the provisions of this section relating to the ownership of interests, there must be a written agreement binding the members or the limited-liability company to purchase any interest offered for sale by, or not under the ownership or effective control of, a qualified member.~~

~~(f) The limited-liability company shall comply with other regulations pertaining to limited-liability companies practicing public accounting in this State adopted by the Board.~~

~~2. Application for registration must be made upon the affidavit of the manager or a member of the limited-liability company. The affiant must hold a live permit to practice in this State as a certified public accountant . [or, if the limited-liability company is required to register pursuant to paragraph (a) of subsection 3 of NRS 628.335, be a natural person granted practice privileges pursuant to NRS 628.315.] The Board shall determine whether the applicant is eligible for registration and may charge an initial fee and an annual renewal fee set by the Board by regulation. A limited-liability company which is so registered may use the words "certified public accountants" or the abbreviation "C.P.A.'s" or "CPA's" in connection with its name. Notice must be given to the Board within 1 month after the admission to or withdrawal of a member from any limited-liability company so registered.]~~ (Deleted by amendment.)

Sec. 36.4. ~~[NRS 628.390 is hereby amended to read as follows:~~

~~628.390 1. After giving notice and conducting a hearing, the Board may revoke, or may suspend for a period of not more than 5 years, any certificate issued under NRS 628.190 to 628.310, inclusive, any practice privileges granted pursuant to NRS 628.315 [or 628.335] or any registration of a partnership, corporation, limited-liability company, sole proprietorship or office, or may revoke, suspend or refuse to renew any permit issued under NRS 628.380, or may publicly censure the holder of any permit, certificate or registration or any natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315, for any one or any combination of the following causes:~~

~~(a) Fraud or deceit in obtaining a certificate as a certified public accountant or in obtaining a permit to practice public accounting under this chapter.~~

~~(b) Dishonesty, fraud or gross negligence by a certified public accountant or a natural person or *certified public accounting firm* granted practice privileges pursuant to NRS 628.315.~~

~~(c) Violation of any of the provisions of this chapter.~~

~~(d) Violation of a regulation or rule of professional conduct adopted by the Board under the authority granted by this chapter.~~

~~(e) Conviction of a felony relating to the practice of public accounting under the laws of any state or jurisdiction.~~

~~(f) Conviction of any crime:~~

~~(1) An element of which is dishonesty or fraud; or~~

~~(2) Involving moral turpitude,~~

~~→ under the laws of any state or jurisdiction.~~

~~(g) Cancellation, revocation, suspension, placing on probation or refusal to renew authority to practice as a certified public accountant by any other state, for any cause . [other than failure to pay an annual registration fee or to comply with requirements for continuing education or review of his or her practice in the other state.]~~

~~(h) Suspension, revocation or placing on probation of the right to practice before any state or federal agency.~~

~~(i) Unless the person has been placed on inactive or retired status, failure to obtain an annual permit under NRS 628.380, within:~~

~~(1) Sixty days after the expiration date of the permit to practice last obtained or renewed by the holder of a certificate; or~~

~~(2) Sixty days after the date upon which the holder of a certificate was granted the certificate, if no permit was ever issued to the person, unless the failure has been excused by the Board.~~

~~(j) Conduct discreditable to the profession of public accounting or which reflects adversely upon the fitness of the person to engage in the practice of public accounting.~~

~~(k) Making a false or misleading statement in support of an application for a certificate or permit of another person.~~

~~(l) Committing an act in another state or jurisdiction which would be subject to discipline in that state.~~

~~2. After giving notice and conducting a hearing, the Board may deny an application to take the examination prescribed by the Board pursuant to NRS 628.190, deny a person admission to such an examination, invalidate a grade received for such an examination or deny an application for a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, to a person who has:~~

~~(a) Made any false or fraudulent statement, or any misleading statement or omission relating to a material fact in an application:~~

~~(1) To take the examination prescribed by the Board pursuant to NRS 628.190; or~~

~~(2) For a certificate issued pursuant to NRS 628.190 to 628.310, inclusive;~~

~~(b) Cheated on an examination prescribed by the Board pursuant to NRS 628.190 or any such examination taken in another state or jurisdiction of the United States;~~

~~(c) Aided, abetted or conspired with any person in a violation of the provisions of paragraph (a) or (b); or~~

~~(d) Committed any combination of the acts set forth in paragraphs (a), (b) and (c).~~

~~3. In addition to other penalties prescribed by this section, the Board may impose a civil penalty of not more than $5,000 for each violation of this section.~~

~~4. The Board shall not privately censure the holder of any permit or certificate or any natural person or *certified public accounting firm* granted practice privileges pursuant to NRS 628.315.~~

~~5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.]~~ (Deleted by amendment.)

Sec. 36.45. ~~[NRS 628.430 is hereby amended to read as follows:~~

~~628.430 All statements, records, schedules, working papers and memoranda made by a certified public accountant or a natural person or *certified public accounting firm* granted practice privileges pursuant to NRS 628.315 incident to or in the course of professional service to clients by the accountant, except reports submitted by a certified public accountant or a natural person or *certified public accounting firm* granted practice privileges pursuant to NRS 628.315 to a client, are the property of the accountant, in the absence of an express agreement between the accountant and the client to the contrary. No such statement, record, schedule, working paper or memorandum may be sold, transferred or bequeathed, without the consent of the client or the client's personal representative or assignee, to anyone other than one or more surviving partners or new partners of the accountant or to his or her corporation.]~~ (Deleted by amendment.)

Sec. 36.5. ~~[NRS 628.435 is hereby amended to read as follows:~~

~~628.435 1. A practitioner shall comply with all professional standards for accounting and documentation related to an attestation applicable to particular engagements.~~

~~2. Except as otherwise provided in this section and in all professional standards for accounting and documentation related to an attestation applicable to particular engagements, a practitioner shall retain all documentation related to an attestation for not less than 5 years after the date of the report containing the attestation.~~

~~3. Documentation related to an attestation that, at the end of the retention period set forth in subsections 1 and 2, is a part of or subject to a pending investigation of, or disciplinary action against, a practitioner must be retained~~

~~and must not be destroyed until the practitioner has been notified in writing that the investigation or disciplinary action has been closed or concluded.~~

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

~~(a) "Documentation related to an attestation" includes, without limitation:~~

~~(1) All documentation relating to consultations and resolutions of any differences of professional opinion regarding the exercise of professional judgment relating to an attestation; and~~

~~(2) Documentation of the findings or issues related to the attestation that, based on the judgment of the practitioner after an objective analysis of the facts and circumstances, is determined to be significant, regardless of whether the documentation includes information or data that is inconsistent with the final conclusions of the practitioner.~~

~~(b) "Practitioner" means:~~

~~(1) A holder of a certificate issued pursuant to NRS 628.190 to 628.310, inclusive, or a permit issued pursuant to NRS 628.380;~~

~~(2) A partnership, corporation, limited liability company or sole proprietorship registered pursuant to NRS 628.335; or~~

~~(3) A natural person *or certified public accounting firm* granted practice privileges pursuant to NRS 628.315.]~~ (Deleted by amendment.)

Sec. 36.55. ~~[NRS 628.460 is hereby amended to read as follows:~~

~~628.460 A partnership, corporation, limited liability company or sole proprietorship shall not assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited liability company or sole proprietorship is composed of certified public accountants unless the partnership, corporation, limited liability company or sole proprietorship is:~~

~~1. Registered as a partnership, corporation, limited liability company or sole proprietorship of certified public accountants and all offices of the partnership, corporation, limited liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or~~

~~2. [Performing services within the practice of public accounting] *Granted practice privileges* pursuant to the provisions of [subsection 3 of] NRS [628.335.] *628.315.]*~~ (Deleted by amendment.)

Sec. 36.6. ~~[NRS 628.480 is hereby amended to read as follows:~~

~~628.480 A partnership, corporation, limited liability company or sole proprietorship shall not assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviation, sign, card or device tending to indicate that the partnership, corporation, limited liability company or sole proprietorship is composed of public accountants unless the partnership, corporation, limited liability company or sole proprietorship is:~~

~~1. Registered as a partnership, corporation, limited liability company or sole proprietorship of certified public accountants and all offices of the~~

~~partnership, corporation, limited-liability company or sole proprietorship in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or~~

~~2. [Performing services within the practice of public accounting]~~ *Granted practice privileges* pursuant to ~~[the provisions of subsection 3 of] NRS [628.335.] 628.315.]~~ (Deleted by amendment.)

Sec. 36.65. ~~[NRS 628.490 is hereby amended to read as follows:~~

~~628.490 1. Except as otherwise provided in subsection 2 and NRS 628.450 to 628.480, inclusive, a person, partnership, corporation, limited liability company or sole proprietorship shall not assume or use the title or designation "certified accountant," or any other title or designation likely to be confused with "certified public accountant" or "public accountant," or any of the abbreviations "C.A." or "P.A." or similar abbreviations likely to be confused with "C.P.A."~~

~~2. [Anyone]~~ *Any person, partnership, corporation, limited liability company or sole proprietorship* ~~who:~~

~~(a) Holds a live permit pursuant to NRS 628.380 or is registered as a partnership, corporation, limited liability company or sole proprietorship pursuant to the provisions of this chapter and all of whose offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or~~

~~(b) Has been granted practice privileges pursuant to NRS 628.315 , [; or~~

~~(c) Is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335,]~~

~~↦ may hold himself or herself out to the public as an "accountant," "auditor" or "certified public accountant."]~~ (Deleted by amendment.)

Sec. 36.7. ~~[NRS 628.510 is hereby amended to read as follows:~~

~~628.510 1. Except as otherwise provided in subsection 2, a person shall not sign or affix his or her name or the name of a partnership, corporation, limited liability company or sole proprietorship, or any trade or assumed name used by the person or by the partnership, corporation, limited liability company or sole proprietorship in business, with any wording indicating that he or she is an accountant or auditor, or that the partnership, corporation, limited liability company or sole proprietorship is authorized to practice as an accountant or auditor or with any wording indicating that the person or the partnership, corporation, limited liability company or sole proprietorship has expert knowledge in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless:~~

~~(a) The person holds a live permit or the partnership, corporation, limited liability company or sole proprietorship is registered pursuant to NRS 628.335 and all of the person's offices in this State for the practice of public accounting are maintained and registered under NRS 628.370;~~

~~(b) The person is a natural person~~ *or certified public accounting firm* ~~granted practice privileges pursuant to NRS 628.315 . [; or~~

~~(c) The partnership, corporation, limited liability company or sole proprietorship is performing services within the practice of public accounting pursuant to the provisions of subsection 3 of NRS 628.335.]~~

~~2. The provisions of subsection 1 do not prohibit:~~

~~(a) Any officer, employee, partner, principal or member of any organization from affixing his or her signature to any statement or report in reference to the financial affairs of that organization with any wording designating the position, title or office which he or she holds in the organization.~~

~~(b) Any act of a public official or public employee in the performance of his or her duties as such.~~

~~(c) Any person who does not hold a live permit from preparing a financial statement or issuing a report if the statement or report, respectively, includes a disclosure that:~~

~~(1) The person who prepared the statement or issued the report does not hold a live permit issued by the Board; and~~

~~(2) The statement or report does not purport to have been prepared in compliance with the professional standards of accounting adopted by the Board.]~~ (Deleted by amendment.)

Sec. 36.75. ~~[NRS 628.520 is hereby amended to read as follows:~~

~~628.520 A person shall not sign or affix the name of a partnership, corporation, limited liability company or sole proprietorship with any wording indicating that it is a partnership, corporation, limited liability company or sole proprietorship composed of accountants or auditors or persons having expert knowledge or special expertise in accounting or auditing, to any accounting or financial statement, or attest to any accounting or financial statement, unless the partnership, corporation, limited liability company or sole proprietorship is:~~

~~1. Registered pursuant to NRS 628.335 and all of its offices in this State for the practice of public accounting are maintained and registered as required under NRS 628.370; or~~

~~2. [Performing services within the practice of public accounting]~~ *Granted practice privileges* ~~pursuant to [the provisions of subsection 3 of] NRS [628.335.]~~ *628.315.]* (Deleted by amendment.)

Sec. 36.8. ~~[NRS 628.540 is hereby amended to read as follows:~~

~~628.540 1. Except as otherwise provided in subsection 2, a person, partnership, corporation, limited liability company or sole proprietorship shall not engage in the practice of public accounting or hold himself, herself or itself out to the public as an "accountant" or "auditor" by use of either or both of those words in connection with any other language which implies that such a person or firm holds a certificate, permit or registration or has special competence as an accountant or auditor on any sign, card, letterhead or in any advertisement or directory unless:~~

~~(a) If a natural person, he or she holds a live permit or has been granted practice privileges pursuant to NRS 628.315; or~~

~~(b) If a partnership, corporation, limited-liability company or sole proprietorship, it is registered pursuant to NRS 628.335 or [is performing services within the practice of public accounting] *has been granted practice privileges* pursuant to [the provisions of subsection 3 of] NRS [628.335.] *628.315.*~~

~~2. The provisions of subsection 1 do not prohibit:~~

~~(a) Any officer, employee, partner, shareholder, principal or member of any organization from describing himself or herself by the position, title or office he or she holds in that organization.~~

~~(b) Any act of a public official or public employee in the performance of his or her duties as such.]~~ (Deleted by amendment.)

Sec. 36.85. ~~[NRS 628.550 is hereby amended to read as follows:~~

~~628.550 1. A person shall not assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership, corporation or limited liability company, or in conjunction with the designation "and Company" or "and Co." or a similar designation, if there is in fact no bona fide partnership, corporation or limited liability company:~~

~~(a) Registered under NRS 628.335; or~~

~~(b) [Performing services within the practice of public accounting] *Granted practice privileges* pursuant to [the provisions of subsection 3 of] NRS [628.335.] *628.315.*~~

~~2. A person, partnership, corporation or limited liability company shall not engage in the practice of public accounting under any name which is misleading as to:~~

~~(a) The legal form of the firm;~~

~~(b) The persons who are partners, officers, shareholders or members; or~~

~~(c) Any other matter.~~

~~** The names of past partners, shareholders or members may be included in the name of a firm or its successors.]~~ (Deleted by amendment.)

Sec. 37. Chapter 645A of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 38. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law, the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift

companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or married couple, who provides money for investment in commercial loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within 3 years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person;

(b) Secured by a dwelling that served as the person's residence; or

(c) If:

(1) The residential mortgage loan is for a manufactured home, as defined in NRS 118B.015;

(2) The residential mortgage loan is financed by the seller; and

(3) The seller has not engaged in more than five such loans in this State during the immediately preceding 12 consecutive months.

9. Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

10. A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling;

(e) Which does not profit from the sale of a dwelling to a borrower; and

(f) Which maintains tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

*13. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 39. Chapter 645F of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 40. Chapter 645G of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 41. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this title do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 42. Chapter 673 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 42.5. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. "Commissioner" means the Commissioner of Financial Institutions.

4. "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

5. *"Internet lender" means a person who makes loans exclusively through the Internet.*

*6.* "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~[6.]~~ *7.* "Licensee" means a person to whom one or more licenses have been issued.

Sec. 43. NRS 675.040 is hereby amended to read as follows:

675.040 This chapter does not apply to:

1. Except as otherwise provided in NRS 675.035, a person doing business under the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage companies, thrift companies, pawnbrokers or insurance companies.

2. A real estate investment trust, as defined in 26 U.S.C. § 856.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law if the loan is secured by real property.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker if the loan is secured by real property.

6. Except as otherwise provided in this subsection, any firm or corporation:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the Department of Housing and Urban Development and the Department of Veterans Affairs.

7. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

8. A seller of real property who offers credit secured by a mortgage of the property sold.

9. A person holding a nonrestricted state gaming license issued pursuant to the provisions of chapter 463 of NRS.

10. A person licensed to do business pursuant to chapter 604A of NRS with regard to those services regulated pursuant to chapter 604A of NRS.

11. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside of this State.

*12. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, a participant*

*in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 43.3. NRS 675.090 is hereby amended to read as follows:

675.090 1. Application for a license must be in writing, under oath, and in the form prescribed by the Commissioner.

2. The application must:

(a) Provide the address of the office or other place of business for which the application is submitted.

(b) Contain such further relevant information as the Commissioner may require, including the names and addresses of the partners, officers, directors or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by NRS 675.110 and 675.120.

3. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if ~~[the applicant]~~ *:*

*(a) The applicant is an Internet lender;* or

*(b) The applicant or* a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State . ~~[and if the applicant submits]~~

*4. A person who wishes to apply for a license pursuant to subsection 3 must submit* with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The person must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

~~[4.]~~ *5.* The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 43.7. NRS 675.230 is hereby amended to read as follows:

675.230 1. Except as otherwise provided in ~~[subsection]~~ *subsections* 2 ~~[,]~~ *and 3,* a licensee may not conduct the business of making loans under this

chapter within any office, suite, room or place of business in which any other business is solicited or engaged in, except an insurance agency or notary public, or in association or conjunction with any other business, unless authority to do so is given by the Commissioner.

2. A licensee may conduct the business of making loans pursuant to this chapter in the same office or place of business as a mortgage company if:

(a) The licensee and the mortgage company:

(1) Operate as separate legal entities;

(2) Maintain separate accounts, books and records;

(3) Are subsidiaries of the same parent corporation; and

(4) Maintain separate licenses; and

(b) The mortgage company is licensed by this state pursuant to chapter 645B of NRS and does not receive money to acquire or repay loans or maintain trust accounts as provided by NRS 645B.175.

*3. A licensee who is an Internet lender may conduct the business of making loans pursuant to this chapter within any office, suite, room or place of business in which any other business is solicited or engaged in.*

Sec. 44. NRS 676A.270 is hereby amended to read as follows:

676A.270 1. This chapter does not apply to an agreement with an individual who the provider has no reason to know resides in this State at the time of the agreement.

2. This chapter does not apply to a provider to the extent that the provider:

(a) Provides or agrees to provide debt-management, educational or counseling services to an individual who the provider has no reason to know resides in this State at the time the provider agrees to provide the services; or

(b) Receives no compensation for debt-management services from or on behalf of the individuals to whom it provides the services or from their creditors.

3. This chapter does not apply to the following persons or their employees when the person or the employee is engaged in the regular course of the person's business or profession:

(a) A judicial officer, a person acting under an order of a court or an administrative agency or an assignee for the benefit of creditors;

(b) A bank;

(c) An affiliate, as defined in paragraph (a) of subsection 2 of NRS 676A.030, of a bank if the affiliate is regulated by a federal or state banking regulatory authority; or

(d) A title insurer, escrow company or other person that provides bill-paying services if the provision of debt-management services is incidental to the bill-paying services.

*4. Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, this chapter does not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 45. Chapter 677 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 46. Chapter 678 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise required by the Director of the Department of Business and Industry pursuant to section 15 or 26.3 of this act, the provisions of this chapter do not apply to a participant in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act.*

Sec. 46.3. Notwithstanding the provisions of section 14 of this act:

1. The Director of the Department of Business and Industry shall not approve more than three applications to participate in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act, submitted pursuant to section 12 of this act during each of the following periods:

(a) The period beginning on January 1, 2020, and ending on June 30, 2020; and

(b) The period beginning on July 1, 2020, and ending on December 31, 2020.

2. The Director of the Department of Business and Industry shall not approve more than five applications to participate in the Regulatory Experimentation Program for Product Innovation established and administered pursuant to sections 2 to 31, inclusive, of this act, submitted pursuant to section 12 of this act during each of the following periods:

(a) The period beginning on January 1, 2021, and ending on June 30, 2021;

(b) The period beginning on July 1, 2021, and ending on December 31, 2021;

(c) The period beginning on January 1, 2022, and ending on June 30, 2022; and

(d) The period beginning on July 1, 2022, and ending on December 31, 2022.

Sec. 47. 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. 47.5. ~~[NRS 628.017 is hereby repealed.]~~ (Deleted by amendment.)

Sec. 48. This act becomes effective:

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

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

~~TEXT OF REPEALED SECTION~~

~~628.017 "Home office" defined. "Home office" means the location specified by a client of an accountant as the address of an entity for which the accountant practices public accounting, performs an attestation or compilation or performs other professional services within the practice of public accounting.]~~

Senator Spearman moved that the Senate concur in Assembly Amendments Nos. 755, 801, 1130 to Senate Bill No. 161.

Remarks by Senator Spearman.

Assembly Amendments Nos. 755, 801 and 1130 to Senate Bill No. 161 make several changes to Senate Bill No. 161. Amendment No. 755 gives the Director of the Department of Business and Industry additional enforcement powers; revises the definition of "applicable regulator." It provides for a phase-in of the program by limiting the number of applications that may be granted. Amendment No. 801 grants a certified public accounting firm that is registered in another state privileges to practice in this State. Amendment No. 1130 removes provisions granting a certified public accounting firm.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 198.

The following Assembly amendment was read:

Amendment No. 1129.

SUMMARY—Requires analysis and reporting concerning the eligibility of children for Medicaid. (BDR S-744)

AN ACT relating to Medicaid; requiring the Division of Welfare and Supportive Services of the Department of Health and Human Services to analyze and report certain information concerning the eligibility of children for Medicaid; making an appropriation; authorizing certain expenditures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) Section 3 of this bill requires the Division of Welfare and Supportive Services of the Department to conduct an analysis to determine the number of children during a certain period who have lost coverage under Medicaid within 12 months after the date on which the child was determined to be eligible for coverage. The analysis must also determine the number of such children who lost coverage for certain reasons. A report of the information must be submitted by the Department to the Legislature. Section 3 also requires the Department to provide to the Legislature a fiscal analysis of the cost of allowing certain such children to remain covered under Medicaid until 12 months after the date on which the child was determined eligible for coverage. Section 4 of this bill appropriates money to the Division to allow the Division to modify the computerized system used by the Division to maintain data concerning recipients of Medicaid as necessary to compile the data required by section 3. Section 5 of this bill authorizes certain additional expenditures for this same purpose.

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. 1. The Division of Welfare and Supportive Services of the Department of Health and Human Services shall conduct an analysis to determine the total number of children in this State who lose or have lost coverage under Medicaid within 12 months after the date on which they were determined eligible for coverage during the period beginning ~~[July 1, 2019,]~~ not later than July 1, 2020, and ending September 1, 2020, and, to the extent the information is available, before July 1, ~~[2019.]~~ 2020. The analysis must further determine the number of such children who lose or have lost coverage during that period because:

(a) The child no longer resides in this State;

(b) The coverage of the child under Medicaid was voluntarily terminated by request;

(c) The child died;

(d) The child resides in a household with a household income that exceeds the maximum household income to be eligible for Medicaid;

(e) The child no longer resides in a household for which Medicaid eligibility has been granted; or

(f) The parent or guardian of the child failed to comply with the requirements to remain eligible for Medicaid.

2. On or before October 1, 2020, the Department of Health and Human Services shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care a report which must include, without limitation:

(a) The total number of children described in subsection 1 and the number of those children in each category described in paragraphs (a) to (f), inclusive, of subsection 1; and

(b) A fiscal analysis of the cost of amending the State Plan for Medicaid to allow a child who has been covered under Medicaid for less than 12 months to continue to be covered until 12 months after the date on which the child was determined to be eligible for Medicaid despite becoming ineligible based on the household income of the child.

Sec. 4. 1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the Department of Health and Human Services the sum of $42,600 for the purpose of making any modifications to the computerized system used by the Division to maintain data concerning recipients of Medicaid that are necessary to carry out the provisions of section 3 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2021, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the

appropriated money remaining must not be spent for any purpose after September 17, 2021, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 17, 2021.

Sec. 5. Expenditure of $383,400 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2019-2020 and Fiscal Year 2020-2021 by the Division of Welfare and Supportive Services of the Department of Health and Human Services for the purpose of carrying out the provisions of section 3 of this act.

Sec. 6. This act becomes effective upon passage and approval.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 1129 to Senate Bill No. 198.

Remarks by Senator Scheible.

Amendment No. 1129 to Senate Bill No. 198 simply adjusts the implementation timeline.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 211.

The following Assembly amendment was read:

Amendment No. 1125.

SUMMARY—Makes an appropriation for operating expenses of the Nevada Commission on Minority Affairs. (BDR S-587)

AN ACT making an appropriation to the Nevada Commission on Minority Affairs for operating expenses of the Commission; 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. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Nevada Commission on Minority Affairs created by NRS 232.852 for operating expenses of the Commission, including, without limitation, expenses for outreach efforts and travel of the members of the Commission and the Minority Affairs Management Analyst employed pursuant to NRS 232.525, the following sums:

For the Fiscal Year 2019-2020..... $15,126

For the Fiscal Year 2020-2021.....~~[$9,109]~~ $15,126

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums 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. 4. This act becomes effective on July 1, 2019.

Senator Harris moved that the Senate concur in Assembly Amendment No. 1125 to Senate Bill No. 211.

Remarks by Senator Harris.

Assembly Amendment No. 1125 to Senate Bill No. 211 creates an equal appropriation in both fiscal years for the Nevada Commission on Minority Affairs.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 287.

The following Assembly amendment was read:

Amendment No. 1133.

SUMMARY—Revises provisions governing public records. (BDR 19-648)

AN ACT relating to public records; revising provisions relating to the manner of providing copies of public records; revising provisions governing the actions taken by governmental entities in response to requests for public records; revising provisions relating to the relief provided for a requester of a public record who prevails in a legal proceeding; revising provisions governing the fees that governmental entities are authorized to charge for a copy of a public record; providing civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that all public books and public records of a state or local governmental entity, unless otherwise declared by law to be confidential, are required to be open at all times during office hours for the public to inspect, copy or receive a copy thereof. Existing law also authorizes a person to request a copy of a public record in any medium in which the public record is readily available. (NRS 239.010) The purpose of the existing law governing public records, as stated in the legislative declaration for that law, is, in part, to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law. (NRS 239.001) Section 2 of this bill provides that the legislative intent is for such access to be provided promptly. Sections 2 and 4 of this bill make changes to conform with existing law which provides that, in addition to the right to inspect and copy a public record, members of the public have the right to receive a copy of a public record upon request.

With certain exceptions, existing law prohibits a governmental entity from charging a fee for providing a copy of a public record that exceeds the actual cost to the governmental entity to provide the copy. (NRS 239.052) Section 3 of this bill clarifies that the actual cost to a governmental entity includes such direct costs as the cost of ink, toner, paper, media and postage. Section 13 of this bill eliminates the authority of a governmental entity to charge an

additional fee for providing a copy of a public record when extraordinary use of personnel or resources is required. (NRS 239.055)

Section 5 of this bill specifically authorizes the electronic redaction of public books and records. Section 5 also requires, with limited exception, a governmental entity, if requested, to provide a copy of a public record in an electronic format by means of an electronic medium unless the public record was requested in a different medium.

Under existing law, if a person requests to inspect or copy a public book or record or receive a copy of a public book or record which the governmental entity is unable to make available by the end of the fifth business day after the request was received, the governmental entity is required to provide written notice of that fact to the person who made the request and the date and time after which the public record or the copy of the public book or record will be available. (NRS 239.0107) Section 6 of this bill clarifies that the date and time provided to the requester must reflect the earliest date and time after which the governmental entity reasonably believes the public book or record will be available. If the public book or record is not made available by this date and time, section 6 requires the governmental entity to provide to the requester, in writing, an explanation of the reason the public book or record is not available and a date and time after which the governmental entity reasonably believes the public book or record will be available. Section 6 also requires a governmental entity that is unable to provide access to a public book or record within the prescribed time period to make a reasonable effort to assist the requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the public book or record as expeditiously as possible.

If a request for inspection, copying or copies of a public book or record is denied, existing law authorizes a requester to apply to a district court for an order permitting the requester to inspect or copy the record or requiring the person who has legal custody or control of the public record to provide a copy to the requester. Existing law provides that if the requester prevails in such a proceeding, the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding from the governmental entity whose officer has custody of the book or record. (NRS 239.011) Section 7 of this bill authorizes a requester of a public record to apply to a district court for a similar order if a request for inspection, copying or copies of a public record is unreasonably delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper. Section 1 of this bill provides that if a court determines that a governmental entity willfully failed to comply with the existing law governing public books and records concerning a request to inspect, copy or receive a copy of a public book or record, the court must impose on the governmental entity a civil penalty.

Section 11 of this bill provides that the provisions of the bill apply to actions filed on and after October 1, 2019, which is the effective date of this bill.

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In addition to any relief awarded pursuant to NRS 239.011, if a court determines that a governmental entity willfully failed to comply with the provisions of this chapter concerning a request to inspect, copy or receive a copy of a public book or record, the court must impose on the governmental entity a civil penalty of:*

*(a) For a first violation ~~[,]~~ within a 10-year period, $1,000.*

*(b) For a second violation ~~[,]~~ within a 10-year period, $5,000.*

*(c) For a third or subsequent violation ~~[,]~~ within a 10-year period, $10,000.*

*2. A civil penalty imposed pursuant to subsection 1 must be deposited in and accounted for separately in the State General Fund. The money is the account may be used only by the Division of State Library, Archives and Public Records of the Department of Administration to improve access to public records, and is hereby authorized for expenditure as a continuing appropriation for this purpose.*

*3. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.*

Sec. 2. NRS 239.001 is hereby amended to read as follows:

239.001 The Legislature hereby finds and declares that:

1. The purpose of this chapter is to foster democratic principles by providing members of the public with *prompt* access to inspect , ~~[and]~~ copy *or receive a copy of* public books and records to the extent permitted by law;

2. The provisions of this chapter must be construed liberally to carry out this important purpose;

3. Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly;

4. The use of private entities in the provision of public services must not deprive members of the public access to inspect , ~~[and]~~ copy ~~[books and]~~ *or receive a copy of books and* records relating to the provision of those services; and

5. If a public book or record is declared by law to be open to the public, such a declaration does not imply, and must not be construed to mean, that a public book or record is confidential if it is not declared by law to be open to the public and is not otherwise declared by law to be confidential.

Sec. 3. NRS 239.005 is hereby amended to read as follows:

239.005 As used in this chapter, unless the context otherwise requires:

1. "Actual cost" means the direct cost ~~[related to the reproduction]~~ *incurred by a governmental entity in the provision* of a public record ~~[.]~~ , *including, without limitation, the cost of ink, toner, paper, media and postage.* The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

2. "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

3. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

4. "Division" means the Division of State Library, Archives and Public Records of the Department of Administration.

5. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of the Executive Department, or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405;

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools; or

(e) A library foundation, as defined in NRS 379.0056, to the extent that the foundation is dedicated to the assistance of a public library.

6. "Official state record" includes, without limitation:

(a) Papers, unpublished books, maps and photographs;

(b) Information stored on magnetic tape or computer, laser or optical disc;

(c) Materials that are capable of being read by a machine, including, without limitation, microforms and audio and visual materials; and

(d) Materials that are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.

7. "Privatization contract" means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are:

(a) Substantially similar to the services provided by the public employees of the governmental entity; and

(b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.

Sec. 4. NRS 239.008 is hereby amended to read as follows:

239.008 1. The head of each agency of the Executive Department shall designate one or more employees of the agency to act as records official for the agency.

2. A records official designated pursuant to subsection 1 shall carry out the duties imposed pursuant to this chapter on the agency of the Executive Department that designated him or her with respect to a request to inspect , ~~[or]~~ copy *or receive a copy of* a public book or record of the agency.

3. The State Library, Archives and Public Records Administrator, pursuant to NRS 378.255 and in cooperation with the Attorney General, shall prescribe:

(a) The form for a request by a person to inspect , ~~[or]~~ copy *or receive a copy of* a public book or record of an agency of the Executive Department pursuant to NRS 239.0107;

(b) The form for the written notice required to be provided by an agency of the Executive Department pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 239.0107; and

(c) By regulation the procedures with which a records official must comply in carrying out his or her duties.

4. Each agency of the Executive Department shall make available on any website maintained by the agency on the Internet or its successor the forms and procedures prescribed by the State Library, Archives and Public Records Administrator and the Attorney General pursuant to subsection 3.

Sec. 5. NRS 239.010 is hereby amended to read as follows:

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

388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170, 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, 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 *, including, without limitation, electronically,* the confidential information from the information included in the public book or record that is not otherwise confidential.

4. ~~[A person may request]~~ *If requested, a governmental entity shall provide* a copy of a public record in ~~[any]~~ *an electronic format by means of an electronic* medium . ~~[in which the public record is readily available.]~~ *Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:*

*(a) The public record:*

*(1) Was not created or prepared in an electronic format; and*

*(2) Is not available in an electronic format; or*

*(b) Providing the public record in an electronic format or by means of an electronic medium would:*

*(1) Give access to proprietary software; or*

*(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.*

*5.* 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]~~ *the* medium *that is requested* because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

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

Sec. 6. NRS 239.0107 is hereby amended to read as follows:

239.0107 1. Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written or oral request from a person to inspect, copy or receive a copy of the public book or record, a governmental entity shall do one of the following, as applicable:

(a) Except as otherwise provided in subsection 2, allow the person to inspect or copy the public book or record or, if the request is for the person to receive a copy of the public book or record, provide such a copy to the person.

(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:

(1) Notice of ~~[that]~~ *the* fact ~~[,]~~ *that it does not have legal custody or control of the public book or record;* and

(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.

(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request ~~[, provide]~~ *:*

*(1) Provide* to the person, in writing ~~[:~~

~~(1) Notice]~~ *notice* of ~~[that]~~ *the* fact ~~[,]~~ *that it is unable to make the public book or record available by that date* and

~~[(2) A]~~ *the earliest* date and time after which the *governmental entity reasonably believes the* public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person. If the public book or record or the copy of the public book or record is not available to the person by that date and time, the ~~[person may inquire regarding the status of the request.]~~ *governmental entity shall provide to the person, in writing, an explanation of the reason the public book or record is not available and a date and time after which the governmental entity reasonably believes the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person.*

*(2) Make a reasonable effort to assist the requester to focus the request in such a manner as to maximize the likelihood the requester will be able to inspect, copy or receive a copy of the public book or record as expeditiously as possible . ~~[, including, without limitation, by:~~*

~~*(I) Advising the requester regarding terms to be used or the applicable database in which to perform a search for the public book or record;*~~

~~*(II) Eliciting additional clarifying information from the requester that will assist the person who has legal custody or control of a public record in identifying the public book or record;*~~

~~*(III) Providing suggestions for overcoming any practical basis that would deny or otherwise limit access to the public book or record; and*~~

~~*(IV) Describing the manner in which the public book or record is stored, including, without limitation, whether the public book or record is stored electronically.]*~~

(d) If the governmental entity must deny the person's request because the public book or record, or a part thereof, is confidential, provide to the person, in writing:

(1) Notice of that fact; and

(2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

2. If a public book or record of a governmental entity is readily available for inspection or copying, the person who has legal custody or control of the public book or record shall allow a person who has submitted a request to inspect, copy or receive a copy of a public book or record ~~[.]~~ *as expeditiously as practicable.*

Sec. 7. NRS 239.011 is hereby amended to read as follows:

239.011 1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied ~~[,]~~ *or unreasonably delayed or if a person who requests a copy of a public book or record believes that the fee charged by the governmental entity for providing the copy of the public book or record is excessive or improper,* the requester may apply to the district court in the county in which the book or record is located for an order:

(a) Permitting the requester to inspect or copy the book or record; ~~[or]~~

(b) Requiring the person who has legal custody or control of the public book or record to provide a copy to the requester ~~[,]~~ *; or*

*(c) Providing relief relating to the amount of the fee,*

➥ as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover ~~[his]~~ *from the governmental entity that has legal custody or control of the record his* or her costs and reasonable attorney's fees in the proceeding . ~~[from the governmental entity whose officer has custody of the book or record.]~~

*3. If the governmental entity appeals the decision of the district court and the decision is affirmed in whole or in part, the requester is entitled to recover from the governmental entity that has legal custody or control of the record his or her costs and reasonable attorney's fees for the appeal.*

*4. The rights and remedies recognized by this section are in addition to any other rights or remedies that may exist in law or in equity.*

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. The amendatory provisions of this act apply to all actions filed on or after October 1, 2019.

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 239.055 is hereby repealed.

TEXT OF REPEALED SECTION

239.055 Additional fee when extraordinary use of personnel or resources is required; limitation.

1. Except as otherwise provided in NRS 239.054 regarding information provided from a geographic information system, if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, charge a fee not to exceed 50 cents per page for such extraordinary use. Such a request must be

made in writing, and upon receiving such a request, the governmental entity shall inform the requester, in writing, of the amount of the fee before preparing the requested information. The fee charged by the governmental entity must be reasonable and must be based on the cost that the governmental entity actually incurs for the extraordinary use of its personnel or technological resources. The governmental entity shall not charge such a fee if the governmental entity is not required to make extraordinary use of its personnel or technological resources to fulfill additional requests for the same information.

2. As used in this section, "technological resources" means any information, information system or information service acquired, developed, operated, maintained or otherwise used by a governmental entity.

Senator Parks moved that the Senate concur in Assembly Amendment No. 1133 to Senate Bill No. 287.

Remarks by Senator Parks.

Assembly Amendment No. 1133 to Senate Bill No. 287 adds the term "willfully" regarding a failure to comply with the provisions of the bill. It also adds a ten-year period by which civil penalties escalate for repeated violations, and finally, it deletes Roman numerals I through IV in section 6, subsection 1. This is a good amendment.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 366.

The following Assembly amendment was read:

Amendment No. 1081.

SUMMARY—Establishes provisions relating to dental therapy. (BDR 54-661)

AN ACT relating to dental care; establishing the profession of dental therapy governed by the Board of Dental Examiners of Nevada; revising provisions relating to dentistry and dental hygiene; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains provisions relating to dental hygienists and the practice of dental hygiene within chapter 631 of NRS, which relates to dentistry.

Sections 58-68 of this bill establish the profession and practice of dental therapy in chapter 631 of NRS. Sections 69.5-96 of this bill revise various provisions of NRS to account for the addition of the profession of dental therapists and the practice of dental therapy.

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. 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. (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.)
Sec. 38. (Deleted by amendment.)
Sec. 39. (Deleted by amendment.)
Sec. 40. (Deleted by amendment.)
Sec. 41. (Deleted by amendment.)
Sec. 42. (Deleted by amendment.)
Sec. 43. (Deleted by amendment.)
Sec. 44. (Deleted by amendment.)
Sec. 45. (Deleted by amendment.)
Sec. 46. (Deleted by amendment.)
Sec. 47. (Deleted by amendment.)
Sec. 48. (Deleted by amendment.)
Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 59 to 68, inclusive, of this act.

Sec. 59. *"Dental therapist" means any person who practices the profession of dental therapy and is licensed pursuant to this chapter.*

Sec. 60. *"Dental therapy" means the performance of educational, preventative, therapeutic, palliative and restorative or surgical treatment of intraoral or extraoral procedures.*

Sec. 60.2. *1. Any person is eligible to apply for a license to practice dental therapy in this State who:*

*(a) Is of good moral character;*

*(b) Is over 18 years of age;*

*(c) ~~[Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and~~*

*~~(d)]~~ Is a graduate of a program of dental therapy from an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education. The program of dental therapy must:*

*(1) Be accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization; and*

*(2) Include a curriculum of not less than 2 years of academic instruction in dental therapy or its academic equivalent ~~[.~~*

*~~(e)]~~ ; and*

*(d) Is in possession of a current special endorsement of his or her license pursuant to NRS 631.287 to practice public health dental hygiene.*

*2. To determine whether a person has good moral character, the Board may consider whether his or her license to practice dental therapy or dental hygiene in another state has been suspended or revoked or whether he or she is currently involved in any disciplinary action concerning his or her license in that state.*

Sec. 60.4. *1. Any person desiring to obtain a license to practice dental therapy, after having complied with section 60.2 of this act and the regulations of the Board to determine eligibility:*

*(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental therapy or must present a certificate granted by the Joint Commission on National Dental Examinations which*

*contains a notation that the applicant has passed the applicable national examination with a score of at least 75; and*

*(b) Except as otherwise provided in this chapter, must:*

*(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or*

*(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed a clinical examination administered by the Western Regional Examining Board.*

*2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.*

*3. All persons who have satisfied the requirements for licensure as a dental therapist must be registered as licensed dental therapists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.*

Sec. 61. *1. The holder of a license or renewal certificate to practice dental therapy may practice only in the settings provided in subsection 3, under the authorization of a dentist meeting the requirements of subsection 4 and in accordance with a written practice agreement signed by the dental therapist and the authorizing dentist. A dental therapist may provide only the services that are within his or her scope of practice, the scope of practice of the dentist, are authorized by the dentist, and are provided according to written protocols or standing orders established by the authorizing dentist. A dental therapist may not provide any services that are outside the scope of practice of the authorizing dentist. A dental therapist shall provide such services only under the direct supervision of the authorizing dentist until such time as the dental therapist has obtained the following hours of clinical practice as a dental therapist:*

*(a) Not less than 500 hours, if the dental therapist has a license to practice dental therapy issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;*

*(b) Not less than 1,000 hours, if the dental therapist has practiced dental hygiene pursuant to the laws of this State, another state or territory of the United States, or the District of Columbia, for 5 years or more; or*

*(c) Not less than 1,500 hours, if paragraphs (a) and (b) are not applicable.*

*2. A dental therapist may provide services to a patient who has not first seen a dentist for an examination if the authorizing dentist has given the dental therapist written authorization and standing protocols for the services and reviews the patient records as provided by the written practice agreement. The standing protocols may require the authorizing dentist to personally examine patients either face-to-face or by the use of electronic means.*

*3. The holder of a license or renewal certificate to practice dental therapy may practice only in the following settings:*

*(a) A hospital, as defined in NRS 449.012.*

*(b) A rural health clinic, as defined in 42 U.S.C. § 1395x(aa)(2).*

*(c) A health facility or agency, other than a hospital, that is reimbursed as a federally qualified health center as defined in 42 U.S.C. § 1395x(aa)(4) or that has been determined by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services to meet the requirements to receive funding under section 330 of the Public Health Service Act, 42 U.S.C. § 254b, as amended.*

*(d) A federally qualified health center, as defined in 42 U.S.C. § 1395x(aa)(4), that is licensed as a health facility or agency by the Department of Health and Human Services.*

*(e) An outpatient health program or facility operated by a tribe or tribal organization under subchapter I of the Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 5321 to 5332, inclusive, as amended, or by an urban Indian organization receiving funds under Title V of the Indian Health Care Improvement Act, 25 U.S.C. §§ 1651 to 1660h, inclusive, as amended.*

*(f) A school-based health center as defined in NRS 41.495.*

*(g) Any other clinic or practice setting, including, without limitation, a mobile dental unit, in which at least 50 percent of the total patient base of the dental therapist will consist of patients who:*

*(1) Are enrolled in a health care program administered by the Department of Health and Human Services;*

*(2) Have a medical disability or chronic condition that creates a significant barrier to receiving dental care; or*

*(3) Do not have dental health coverage through a public health care program or private insurance and have a household income which is less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services.*

*4. The holder of a license or renewal certificate to practice dental therapy may practice only under the authorization of a dentist who:*

*(a) Holds an active license to practice dentistry in this State;*

*(b) Maintains a location from which to practice dentistry; and*

*(c) Actively practices dentistry in this State by treating patients.*

Sec. 62. *The written practice agreement required pursuant to section 61 of this act between the authorizing dentist and a dental therapist must include:*

*1. The services and procedures and the practice settings for those services and procedures that the dental therapist may provide, together with any limitations on those services and procedures.*

*2. Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency.*

*3. Procedures to be used with patients treated by the dental therapist for informed consent and creating and maintaining dental records.*

*4. A plan for the monthly review of patient records by the authorizing dentist and dental therapist.*

*5. A plan for managing medical emergencies in each practice setting in which the dental therapist provides care.*

*6. A quality assurance plan for monitoring care, including patient care review, referral follow-up, and a quality assurance and chart review.*

*7. Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed.*

*8. Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation before initiating care.*

*9. Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the dental therapist's capabilities or the scope of practice as a dental therapist.*

*10. A requirement that when an appointment is made for a patient, it must be disclosed to the patient whether the patient is scheduled to see the dentist or a dental therapist.*

Sec. 62.5. *An authorizing dentist may not simultaneously maintain written practice agreements required pursuant to section 61 of this act with more than four full-time or full-time equivalent dental therapists.*

Sec. 63. *In accordance with the written practice agreement required pursuant to section 61 of this act:*

*1. The authorizing dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental therapist that exceed the dental therapist's capabilities or the authorized scope of practice of the dental therapist and that the authorizing dentist is unable to provide; and*

*2. A dental therapist shall refer patients to another qualified dental or health care professional to receive needed services that exceed the scope of practice of the dental therapist.*

Sec. 64. *1. In accordance with the written practice agreement required pursuant to section 61 of this act, a dental therapist may perform the following acts:*

*(a) Expose radiographs.*

*(b) Conduct an assessment of the oral health of the patient through medical and dental histories, radiographs, indices, risk assessments and intraoral and extraoral procedures that analyze and identify the oral health needs and problems of the patient.*

*(c) After conducting an assessment pursuant to paragraph (b), develop a dental hygiene care plan to address the oral health needs and problems of the patient.*

*(d) Take the following types of impressions:*

*(1) Those used for the preparation of diagnostic models;*

*(2) Those used for the fabrication of temporary crowns or bridges; and*

*(3) Those used for the fabrication of temporary removable appliances, provided no missing teeth are replaced by those appliances.*

*(e) Remove stains, deposits and accretions, including dental calculus.*

*(f) Smooth the natural and restored surface of a tooth by using the procedures and instruments commonly used in oral prophylaxis, except that an abrasive stone, disc or bur may be used only to polish a restoration. As used in this paragraph, "oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes the removal of calculus, soft deposits, plaques and stains and the smoothing of unattached tooth surfaces in order to create an environment in which hard and soft tissues can be maintained in good health by the patient.*

*(g) Provide dental hygiene care that includes:*

*(1) Implementation of a dental hygiene care plan to address the oral health needs and problems of patients pursuant to paragraph (c).*

*(2) Evaluation of oral and periodontal health after the implementation of the dental hygiene care plan described in subparagraph (1) in order to identify the subsequent treatment, continued care and referral needs of the patient.*

*(h) Perform subgingival curettage.*

*(i) Remove sutures.*

*(j) Place and remove a periodontal pack.*

*(k) Remove excess cement from cemented restorations and orthodontic appliances. A dental therapist may not use a rotary cutting instrument to remove excess cement from restorations or orthodontic appliances.*

*(l) Train and instruct persons in the techniques of oral hygiene and preventive procedures.*

*(m) Recement and repair temporary crowns and bridges.*

*(n) Recement permanent crowns and bridges with nonpermanent material as a palliative treatment.*

*(o) Place a temporary restoration with nonpermanent material as a palliative treatment.*

*(p) Administer local intraoral chemotherapeutic agents in any form except aerosol, including, but not limited to:*

*(1) Antimicrobial agents;*

*(2) Fluoride preparations;*

*(3) Topical antibiotics;*

*(4) Topical anesthetics; and*

*(5) Topical desensitizing agents.*

*(q) Apply pit and fissure sealant to the dentition for the prevention of decay.*

*2. ~~[Before performing any of the services set forth in subsection 1, the dental therapist must obtain authorization from the licensed dentist of the patient on whom the services are to be performed and the patient must have been examined by that dentist not more than 18 months before the services are to be performed.]~~ After performing any of the services set forth in ~~[this]~~ subsection ~~[1,]~~ 1, the dental therapist shall refer the patient to the authorizing dentist for follow-up care or any necessary additional procedures that the dental therapist is not authorized to perform.*

Sec. 65. *In accordance with the written practice agreement, a dental therapist may provide any of the following additional care or services:*

*1. Identifying oral and systemic conditions that require evaluation or treatment by dentists, physicians, or other health care professionals and managing referrals to such persons.*

*2. Providing oral health instruction and disease prevention education, including nutritional counseling and dietary analysis.*

*3. Dispensing and administering via the oral or topical route nonnarcotic analgesics and anti-inflammatory and antibiotic medications as prescribed by a health care professional.*

*4. Pulp and vitality testing.*

*5. Applying desensitizing medication or resin.*

*6. Fabricating mouth guards*

*7. Changing periodontal dressings.*

*8. Simple extraction of erupted primary teeth.*

*9. Emergency palliative treatment of dental pain related to a care or service described in this section.*

*10. Preparation and placement of direct restoration in primary and permanent teeth.*

*11. Fabrication and placement of single tooth temporary crowns.*

*12. Preparation and placement of preformed crowns on primary teeth.*

*13. Indirect and direct pulp capping on permanent teeth.*

*14. Suturing and suture removal.*

*15. Minor adjustments and repairs on removable prostheses.*

*16. Placement and removal of space maintainers.*

*17. Nonsurgical extractions of periodontally diseased permanent teeth with tooth mobility. However, a dental therapist shall not extract a tooth for any patient if the tooth is unerupted, impacted, or fractured or needs to be sectioned for removal.*

*18. Performing other related services and functions authorized and for which the dental therapist is trained.*

Sec. 66. (Deleted by amendment.)

Sec. 67. *1. A dental therapist shall not prescribe a controlled substance that is included in schedules II, III, IV or V of the Uniform Controlled Substances Act.*

*2. A dental therapist may supervise dental assistants and dental hygienists to the extent permitted in a written practice agreement.*

Sec. 68. *A dental therapist licensed to practice in this State must annually complete at least 18 hours of instruction in approved courses of continuing education or biennially complete at least 40 hours of instruction in approved courses of continuing education, as applicable, based on the renewal period set forth in NRS 631.330 for the type of license held by the dental therapist. Hours of instruction may not be transferred over from one licensing period to another.*

Sec. 69. (Deleted by amendment.)

Sec. 69.5. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, *and sections 59 and 60 of this act* have the meanings ascribed to them in those sections.

Sec. 70. NRS 631.130 is hereby amended to read as follows:

631.130 1. The Governor shall appoint:

(a) Six members who are graduates of accredited dental schools or colleges, are residents of Nevada and have ethically engaged in the practice of dentistry in Nevada for a period of at least 5 years.

(b) One member who has resided in Nevada for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) Three members who:

(1) Are graduates of accredited schools or colleges of *dental therapy or* dental hygiene;

(2) Are residents of Nevada; and

(3) Have been actively engaged in the practice of *dental therapy or* dental hygiene in Nevada for a period of at least 5 years before their appointment to the Board.

(d) One member who is a representative of the general public. This member must not be:

(1) A dentist , *dental therapist* or ~~[a]~~ dental hygienist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dentist , *dental therapist* or ~~[a]~~ dental hygienist.

2. The members who are *dental therapists or* dental hygienists may vote on all matters but may not participate in grading any clinical examinations required by NRS 631.240 for the licensing of dentists.

3. If a member is not licensed under the provisions of this chapter, the member shall not participate in grading any examination required by the Board.

Sec. 71. NRS 631.140 is hereby amended to read as follows:

631.140 1. The six members of the Board who are dentists, the member of the Board who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care, and the member of the Board who is a representative of the general public must be appointed from areas of the State as follows:

(a) Three of those members must be from Carson City, Douglas County or Washoe County.

(b) Four of those members must be from Clark County.

(c) One of those members may be from any county of the State.

2. The three members of the Board who are *dental therapists or* dental hygienists must be appointed from areas of the State as follows:

(a) One of those members must be from Carson City, Douglas County or Washoe County.

(b) One of those members must be from Clark County.

(c) One of those members may be from any county of the State.

Sec. 72. NRS 631.170 is hereby amended to read as follows:

631.170 1. The Board shall meet whenever necessary to examine applicants. The dates of the examinations must be fixed by the Board. The Board may conduct examinations outside this State, and for this purpose may use the facilities of dental colleges.

2. The Board may also meet at such other times and places and for such other purposes as it may deem proper.

3. A quorum consists of five members who are dentists and two members who are *dental therapists or* dental hygienists.

Sec. 73. NRS 631.190 is hereby amended to read as follows:

631.190 In addition to the powers and duties provided in this chapter, the Board shall:

1. Adopt rules and regulations necessary to carry out the provisions of this chapter.

2. Appoint such committees, review panels, examiners, officers, employees, agents, attorneys, investigators and other professional consultants and define their duties and incur such expense as it may deem proper or necessary to carry out the provisions of this chapter, the expense to be paid as provided in this chapter.

3. Fix the time and place for and conduct examinations for the granting of licenses to practice dentistry *, dental therapy or* ~~[and]~~ dental hygiene.

4. Examine applicants for licenses to practice dentistry *, dental therapy* and dental hygiene.

5. Collect and apply fees as provided in this chapter.

6. Keep a register of all dentists *, dental therapists* and dental hygienists licensed in this State, together with their addresses, license numbers and renewal certificate numbers.

7. Have and use a common seal.

8. Keep such records as may be necessary to report the acts and proceedings of the Board. Except as otherwise provided in NRS 631.368, the records must be open to public inspection.

9. Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

10. Have discretion to examine work authorizations in dental offices or dental laboratories.

Sec. 73.5. NRS 631.205 is hereby amended to read as follows:

631.205 1. The Committee on Dental Hygiene *and Dental Therapy* is hereby created.

2. The Committee consists of:

(a) The members of the Board who are *dental therapists or* dental hygienists; and

(b) One dentist who is a member of the Board and who has supervised a *dental therapist or* dental hygienist for at least 3 years immediately preceding his or her appointment to the Committee by the Board.

3. The Committee:

(a) May accept recommendations from *dental therapists*, dental hygienists, dentists and the general public and may meet to review such recommendations.

(b) May make recommendations to the Board concerning:

(1) The practice of *dental therapy and* dental hygiene; and

(2) The licensing of *dental therapists and* dental hygienists, including, without limitation, requirements relating to the education, examination and discipline of *dental therapists and* dental hygienists.

(c) Shall carry out any duties the Board may assign to the Committee.

Sec. 74. NRS 631.215 is hereby amended to read as follows:

631.215 1. Any person shall be deemed to be practicing dentistry who:

(a) Uses words or any letters or title in connection with his or her name which in any way represents the person as engaged in the practice of dentistry, or any branch thereof;

(b) Advertises or permits to be advertised by any medium that the person can or will attempt to perform dental operations of any kind;

(c) Evaluates or diagnoses, professes to evaluate or diagnose or treats or professes to treat, surgically or nonsurgically, any of the diseases, disorders, conditions or lesions of the oral cavity, maxillofacial area or the adjacent and associated structures and their impact on the human body;

(d) Extracts teeth;

(e) Corrects malpositions of the teeth or jaws;

(f) Takes impressions of the teeth, mouth or gums, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(g) Examines a person for, or supplies artificial teeth as substitutes for natural teeth;

(h) Places in the mouth and adjusts or alters artificial teeth;

(i) Does any practice included in the clinical dental curricula of accredited dental colleges or a residency program for those colleges;

(j) Administers or prescribes such remedies, medicinal or otherwise, as are needed in the treatment of dental or oral diseases;

(k) Uses X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, unless the person is authorized by the regulations of the Board to engage in such activities without being a licensed dentist;

(l) Determines:

(1) Whether a particular treatment is necessary or advisable; or

(2) Which particular treatment is necessary or advisable; or

(m) Dispenses tooth whitening agents or undertakes to whiten or bleach teeth by any means or method, unless the person is:

(1) Dispensing or using a product that may be purchased over the counter for a person's own use; or

(2) Authorized by the regulations of the Board to engage in such activities without being a licensed dentist.

2. Nothing in this section:

(a) Prevents a dental assistant, *dental therapist,* dental hygienist or qualified technician from making radiograms or X-ray exposures ~~[or using X-ray radiation or laser radiation]~~ for dental treatment or dental diagnostic purposes upon the direction of a licensed dentist.

(b) *Prevents a dental therapist or dental hygienist from administering local anesthesia for pain management during treatment or using X-ray radiation or laser radiation for dental treatment or dental diagnostic purposes, upon authorization of a licensed dentist.*

*(c)* Prohibits the performance of mechanical work, on inanimate objects only, by any person employed in or operating a dental laboratory upon the written work authorization of a licensed dentist.

~~[(c)]~~ *(d)* Prevents students from performing dental procedures that are part of the curricula of an accredited dental school or college or an accredited school of dental hygiene *or an accredited school of dental therapy* or an accredited school of dental assisting.

~~[(d)]~~ *(e)* Prevents a licensed dentist or dental hygienist from another state or country from appearing as a clinician for demonstrating certain methods of technical procedures before a dental society or organization, convention or dental college or an accredited school of dental hygiene or an accredited school of dental assisting.

~~[(e)]~~ *(f)* Prohibits the manufacturing of artificial teeth upon receipt of a written authorization from a licensed dentist if the manufacturing does not require direct contact with the patient.

~~[(f)]~~ *(g)* Prohibits the following entities from owning or operating a dental office or clinic if the entity complies with the provisions of NRS 631.3452:

(1) A nonprofit corporation organized pursuant to the provisions of chapter 82 of NRS to provide dental services to rural areas and medically underserved populations of migrant or homeless persons or persons in rural communities pursuant to the provisions of 42 U.S.C. § 254b or 254c.

(2) A federally-qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B) operating in compliance with other applicable state and federal law.

(3) A nonprofit charitable corporation as described in section 501(c)(3) of the Internal Revenue Code and determined by the Board to be providing dental services by volunteer licensed dentists at no charge or at a substantially reduced charge to populations with limited access to dental care.

~~[(g)]~~ *(h)* Prevents a person who is actively licensed as a dentist in another jurisdiction from treating a patient if:

(1) The patient has previously been treated by the dentist in the jurisdiction in which the dentist is licensed;

(2) The dentist treats the patient only during a course of continuing education involving live patients which:

(I) Is conducted at an institute or organization with a permanent facility registered with the Board for the sole purpose of providing postgraduate continuing education in dentistry; and

(II) Meets all applicable requirements for approval as a course of continuing education; and

(3) The dentist treats the patient only under the supervision of a person licensed pursuant to NRS 631.2715.

~~[(h)]~~ *(i)* Prohibits a person from providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by a licensed dentist or any entity not prohibited from owning or operating a dental practice, office or clinic if the person does not:

(1) Provide such goods or services in exchange for payments based on a percentage or share of revenues or profits of the dental practice, office or clinic; or

(2) Exercise any authority or control over the clinical practice of dentistry.

3. The Board shall adopt regulations identifying activities that constitute the exercise of authority or control over the clinical practice of dentistry, including, without limitation, activities which:

(a) Exert authority or control over the clinical judgment of a licensed dentist; or

(b) Relieve a licensed dentist of responsibility for the clinical aspects of the dental practice.

➥ Such regulations must not prohibit or regulate aspects of the business relationship, other than the clinical practice of dentistry, between a licensed dentist or professional entity organized pursuant to the provisions of chapter 89 of NRS and the person or entity providing goods or services for the support of the business of a dental practice, office or clinic owned or operated by the licensed dentist or professional entity.

Sec. 75. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene , *dental therapy* or dentistry, or any of its special branches, must:

(a) File an application with the Board.

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) If the applicant is required to take an examination pursuant to NRS 631.240 or 631.300, submit with the application proof satisfactory that the applicant passed the examination.

2. An application must include all information required to complete the application.

3. The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 76. NRS 631.225 is hereby amended to read as follows:

631.225 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

(b) A separate form prescribed by the Board.

3. A license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

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

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

Sec. 77. NRS 631.260 is hereby amended to read as follows:

631.260 Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental

hygiene , *dental therapy* or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.

Sec. 78. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* to a person who:

(a) Is qualified for a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with:

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry , ~~[or]~~ dental hygiene *or dental therapy* at an educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; or

(2) An accredited program of dentistry , ~~[or]~~ dental hygiene *or dental therapy* of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry , ~~[or]~~ dental hygiene *or dental therapy* at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board;

(3) Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry , *dental therapy* or dental hygiene,

➥ in this State, another state or territory of the United States, or the District of Columbia.

3. Except as otherwise provided in subsection 4, a person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry , ~~[or]~~ dental hygiene *or dental therapy* in this State or accept compensation for the practice of dentistry , ~~[or]~~ dental hygiene *or dental therapy* except such compensation as may be paid to the person by the Nevada System of Higher Education or an accredited program of dentistry , ~~[or]~~ dental hygiene *or dental therapy* for services provided as a dental intern, dental resident or instructor of dentistry , ~~[or]~~ dental hygiene *or dental therapy* pursuant to paragraph (c) of subsection 1.

4. The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry , ~~[or]~~ dental hygiene *or dental therapy* in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry , ~~[or]~~ dental hygiene *or dental therapy* with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license and a permit issued pursuant to this section, if any, to the Board.

8. The Board may revoke a limited license and a permit issued pursuant to this section, if any, at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 79. NRS 631.273 is hereby amended to read as follows:

631.273 1. Except as otherwise provided in this section, the Board shall, without a clinical examination required by ~~[~~NRS 631.300,~~]~~ *section 60.4 of this act*, issue a temporary license to practice dental ~~[~~hygiene~~]~~ *therapy* to a person who:

(a) Has a license to practice dental ~~[~~hygiene~~]~~ *therapy* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Satisfies the requirements of ~~[~~NRS 631.290;~~]~~ *section 60.2 of this act;*

(c) Has practiced dental ~~[~~hygiene~~]~~ *therapy* pursuant to the laws of another state or territory of the United States, or the District of Columbia, for at least 5 years immediately preceding the date that the person applies for a temporary license;

(d) Has not had a license to practice dental hygiene *or dental therapy* revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(e) Has not been denied a license to practice dental hygiene *or dental therapy* in this State, another state or territory of the United States, or the District of Columbia;

(f) Is not involved in or does not have pending a disciplinary action concerning a license to practice dental hygiene *or dental therapy* in this State, another state or territory of the United States, or the District of Columbia;

(g) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to ~~[~~NRS 631.300;~~]~~ *section 60.4 of this act;* and

(h) Submits all information required to complete an application for a license.

2. A person to whom a temporary license is issued pursuant to this section may:

(a) Practice dental ~~[~~hygiene~~]~~ *therapy* for the duration of the temporary license; and

(b) Apply for a permanent license to practice dental ~~[~~hygiene~~]~~ *therapy* without a clinical examination required by ~~[~~NRS 631.300~~]~~ *section 60.4 of this act* if the person has held a temporary license to practice dental ~~[~~hygiene~~]~~ *therapy* issued pursuant to this section for at least 2 years.

3. The Board shall examine each applicant in writing concerning the contents and interpretation of this chapter and the regulations of the Board.

4. The Board shall not, on or after July 1, ~~[2006,]~~ *2021,* issue any additional temporary licenses to practice dental ~~[hygiene]~~ *therapy* pursuant to this section.

5. Any person who, on July 1, ~~[2006,]~~ *2021,* holds a temporary license to practice dental ~~[hygiene]~~ *therapy* issued pursuant to this section may, subject to the regulatory and disciplinary authority of the Board, practice dental ~~[hygiene]~~ *therapy* under the temporary license until ~~[December 31, 2008,]~~ *July 1, 2023,* or until the person is qualified to apply for and is issued or denied a permanent license to practice dental ~~[hygiene]~~ *therapy* in accordance with this section, whichever period is shorter.

6. The Board may revoke a temporary license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 80. NRS 631.274 is hereby amended to read as follows:

631.274 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, *or section 60.4 of this act,* issue a restricted geographical license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* to a person if the person meets the requirements of subsection 2 and:

(a) A board of county commissioners submits a request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 *or section 60.4 of this act* for any applicant intending to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* in a rural area of a county in which dental , ~~[or]~~ dental hygiene *or dental therapy* needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine;

(b) Two or more boards of county commissioners submit a joint request that the Board of Dental Examiners of Nevada waive the requirements of NRS 631.240 or 631.300 *or section 60.4 of this act* for any applicant intending to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* in one or more rural areas within those counties in which dental , ~~[or]~~ dental hygiene *or dental therapy* needs are underserved as that term is defined by the officer of rural health of the University of Nevada School of Medicine; or

(c) The director of a federally qualified health center or a nonprofit clinic submits a request that the Board waive the requirements of NRS 631.240 or 631.300 *or section 60.4 of this act* for any applicant who has entered into a contract with a federally qualified health center or nonprofit clinic which treats underserved populations in Washoe County or Clark County.

2. A person may apply for a restricted geographical license if the person:

(a) Has a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(b) Is otherwise qualified for a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* in this State;

(c) Pays the application, examination and renewal fees in the same manner as a person licensed pursuant to NRS 631.240 or 631.300 ~~[.]~~ *or section 60.4 of this act;*

(d) Submits all information required to complete an application for a license; and

(e) Satisfies the requirements of NRS 631.230. or 631.290, *or section 60.2 of this act,* as appropriate.

3. The Board shall not issue a restricted geographical license to a person:

(a) Whose license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* has been revoked or suspended;

(b) Who has been refused a license to practice dentistry , *dental therapy* or dental hygiene; or

(c) Who is involved in or has pending a disciplinary action concerning a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy,*

➥ in this State, another state or territory of the United States, or the District of Columbia.

4. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

5. A person to whom a restricted geographical license is issued pursuant to this section:

(a) May practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* only in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1.

(b) Shall not, for the duration of the restricted geographical license, engage in the private practice of dentistry , ~~[or]~~ dental hygiene *or dental therapy* in this State or accept compensation for the practice of dentistry , ~~[or]~~ dental hygiene *or dental therapy* except such compensation as may be paid to the person by a federally qualified health center or nonprofit clinic pursuant to paragraph (c) of subsection 1.

6. Within 7 days after the termination of a contract pursuant to paragraph (c) of subsection 1, the holder of a restricted geographical license shall notify the Board of the termination, in writing, and surrender the restricted geographical license.

7. A person to whom a restricted geographical license was issued pursuant to this section may petition the Board for an unrestricted license without a clinical examination required by NRS 631.240 or 631.300 *or section 60.4 of this act* if the person:

(a) Has not had a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* revoked or suspended in this State, another state or territory of the United States, or the District of Columbia;

(b) Has not been refused a license to practice dentistry *, dental therapy* or dental hygiene in this State, another state or territory of the United States, or the District of Columbia;

(c) Is not involved in or does not have pending a disciplinary action concerning a license to practice dentistry , ~~[or]~~ dental hygiene *or dental*

*therapy* in this State, another state or territory of the United States, or the District of Columbia; and

(d) Has:

(1) Actively practiced dentistry , ~~[or]~~ dental hygiene *or dental therapy* for 3 years at a minimum of 30 hours per week in the county or counties which requested the restricted geographical licensure pursuant to paragraph (a) or (b) of subsection 1; or

(2) Been under contract with a federally qualified health center or nonprofit clinic for a minimum of 3 years.

8. The Board may revoke a restricted geographical license at any time if the Board finds, by a preponderance of the evidence, that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 81. (Deleted by amendment.)

Sec. 82. (Deleted by amendment.)

Sec. 83. NRS 631.313 is hereby amended to read as follows:

631.313 1. Except as otherwise provided in NRS 454.217 and 629.086, a licensed dentist may assign to a person in his or her employ who is a dental hygienist, *dental therapist,* dental assistant or other person directly or indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a *dental therapist or* dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a *dental therapist or* dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided *in* NRS 631.287. ~~[section 27 of this act.]~~

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, minimal sedation, moderate sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 84. NRS 631.317 is hereby amended to read as follows:

631.317 The Board shall adopt rules or regulations:

1. Specifying the intraoral tasks that may be assigned by a licensed dentist to a *dental therapist,* dental hygienist or dental assistant in his or her employ or that may be performed by a dental hygienist *or dental therapist* engaged in school health activities or employed by a public health agency.

2. Governing the practice of dentists , ~~[and]~~ dental hygienists *and dental therapists* in full-time employment with the State of Nevada.

Sec. 85. NRS 631.330 is hereby amended to read as follows:

631.330 1. Licenses issued pursuant to NRS 631.271, 631.2715 and 631.275 must be renewed annually. All other licenses must be renewed biennially.

2. Except as otherwise provided in NRS 631.271, 631.2715 and 631.275:

(a) Each holder of a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* must, upon:

(1) Payment of the required fee;

(2) Submission of proof of completion of the required continuing education; and

(3) Submission of all information required to complete the renewal,

➥ be granted a renewal certificate which will authorize continuation of the practice for 2 years.

(b) A licensee must comply with the provisions of this subsection and subsection 1 on or before June 30. Failure to comply with those provisions by June 30 every 2 years automatically suspends the license, and it may be reinstated only upon payment of the fee for reinstatement and compliance with the requirements of this subsection.

3. If a license suspended pursuant to this section is not reinstated within 12 months after suspension, it is automatically revoked.

Sec. 86. NRS 631.340 is hereby amended to read as follows:

631.340 1. Any person who has obtained from the Board a license certificate to practice dental hygiene *, dental therapy* or dentistry or any special branch of dentistry in this State, and who fails to obtain a renewal certificate, must, before resuming the practice in which he or she was licensed, make application to the Secretary-Treasurer, under such rules as the Board may prescribe, for the restoration of the license to practice.

2. Upon application being made, the Secretary-Treasurer shall determine whether the applicant possesses the qualifications prescribed for the granting of a license to practice in his or her particular profession, and whether the applicant continues to possess a good moral character and is not otherwise disqualified to practice in this State. If the Secretary-Treasurer so determines, the Secretary-Treasurer shall thereupon issue the license, and thereafter the

person may make application annually for a renewal certificate, as provided in this chapter.

Sec. 87. NRS 631.342 is hereby amended to read as follows:

631.342 1. The Board shall adopt regulations concerning continuing education in dentistry , ~~[and]~~ dental hygiene ~~[.]~~ *and dental therapy.* The regulations must include:

(a) ~~[The]~~ *Except as provided in section 68 of this act, the* number of hours of credit required annually;

(b) The criteria used to accredit each course; and

(c) The requirements for submission of proof of attendance at courses.

2. Except as otherwise provided in subsection 3, as part of continuing education, each licensee must complete a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(a) An overview of acts of terrorism and weapons of mass destruction;

(b) Personal protective equipment required for acts of terrorism;

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

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

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

3. Instead of the course described in subsection 2, a licensee may complete:

(a) A course in Basic Disaster Life Support or a course in Core Disaster Life Support if the course is offered by a provider of continuing education accredited by the National Disaster Life Support Foundation; or

(b) Any other course that the Board determines to be the equivalent of a course specified in paragraph (a).

4. Notwithstanding the provisions of subsections 2 and 3, the Board may determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

5. As used in this section:

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

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

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

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

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 88. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry..... $1,500
Application fee for an initial license to practice dental hygiene ..... 750
*Application fee for an initial license to practice dental therapy ... 1,000*
Application fee for a specialist's license to practice dentistry..... 300
Application fee for a limited license or restricted license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* ..... 300
Fee for administering a clinical examination in dentistry ..... 2,500
Fee for administering a clinical examination in dental hygiene *or dental therapy*..... 1,500
Application and examination fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation..... 750
Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation ..... 500
Biennial renewal fee for a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation ..... 600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, minimal sedation, moderate sedation or deep sedation ..... 350
Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines..... 500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry..... 1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry..... 300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene *or dental therapy* ..... 600
Annual license renewal fee for a limited license to practice dental hygiene *or dental therapy* ..... 300
Biennial license renewal fee for an inactive dentist..... 400
Biennial license renewal fee for a dentist who is retired or has a disability ..... 100
Biennial license renewal fee for an inactive dental hygienist *or dental therapist* ..... 200
Biennial license renewal fee for a dental hygienist *or dental therapist* who is retired or has a disability ..... 100
Reinstatement fee for a suspended license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy*..... 500

Reinstatement fee for a revoked license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy*..... 500

Reinstatement fee to return a dentist , ~~[or]~~ dental hygienist *or dental therapist* who is inactive, retired or has a disability to active status..... 500

Fee for the certification of a license..... 50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 89. NRS 631.3453 is hereby amended to read as follows:

631.3453 The provisions of NRS 631.3452 requiring the designation of an actively licensed dentist as a dental director do not apply to a program for the provision of public health dental hygiene *or dental therapy* if:

1. The program is owned or operated by a *dental therapist licensed pursuant to this chapter or a* dental hygienist who holds a special endorsement of his or her license to practice public health dental hygiene pursuant to NRS 631.287 *;* and

2. Each ~~[dental hygienist]~~ *person* employed to provide public health dental hygiene pursuant to the program *is either a dental therapist licensed pursuant to this chapter or a dental hygienist who* holds a special endorsement of his or her license to practice public health dental hygiene pursuant to NRS 631.287.

Sec. 90. NRS 631.346 is hereby amended to read as follows:

631.346 The following acts, among others, constitute unprofessional conduct:

1. Employing, directly or indirectly, any student or any suspended or unlicensed dentist or dental hygienist to perform operations of any kind to treat or correct the teeth or jaws, except as provided in this chapter;

2. Except as otherwise provided in NRS 631.287 *or 631.3453*, giving a public demonstration of methods of practice any place other than the office where the licensee is known to be regularly engaged in this practice;

3. Employing, procuring, inducing, aiding or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry, but a patient shall not be deemed to be an accomplice, employer, procurer, inducer, aider or abettor;

4. For a dental hygienist *or dental therapist*, practicing in any place not authorized pursuant to this chapter; or

5. Practicing while a license is suspended or without a renewal certificate.

Sec. 91. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist , ~~[or]~~ dental hygienist *or dental therapist* constituting substandard care in the practice of dentistry , ~~[or]~~ dental hygiene *or dental therapy;*

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

8. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

9. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

10. Failure to comply with the provisions of NRS 453.163, 453.164, 453.226, 639.23507 and 639.2391 to 639.23916, inclusive, and any regulations adopted by the State Board of Pharmacy pursuant thereto.

11. Fraudulent, illegal, unauthorized or otherwise inappropriate prescribing, administering or dispensing of a controlled substance listed in schedule II, III or IV;

12. Failure to comply with the provisions of NRS 454.217 or 629.086;

13. Failure to obtain any training required by the Board pursuant to NRS 631.344; or

14. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 92. NRS 631.3487 is hereby amended to read as follows:

631.3487 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy*, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice dentistry , ~~[or]~~ dental hygiene *or dental therapy* that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the fee imposed pursuant to NRS 631.345 for the reinstatement of a suspended license.

Sec. 93. NRS 631.350 is hereby amended to read as follows:

631.350 1. Except as otherwise provided in NRS 631.271, 631.2715 and 631.347, the Board may:

(a) Refuse to issue a license to any person;

(b) Revoke or suspend the license or renewal certificate issued by it to any person;

(c) Fine a person it has licensed;

(d) Place a person on probation for a specified period on any conditions the Board may order;

(e) Issue a public reprimand to a person;

(f) Limit a person's practice to certain branches of dentistry;

(g) Require a person to participate in a program to correct alcohol or drug abuse or any other impairment;

(h) Require that a person's practice be supervised;

(i) Require a person to perform community service without compensation;

(j) Require a person to take a physical or mental examination or an examination of his or her competence;

(k) Require a person to fulfill certain training or educational requirements;

(l) Require a person to reimburse a patient; or

(m) Any combination thereof,

➥ if the Board finds, by a preponderance of the evidence, that the person has engaged in any of the activities listed in subsection 2.

2. The following activities may be punished as provided in subsection 1:

(a) Engaging in the illegal practice of dentistry , ~~[or]~~ dental hygiene *or dental therapy;*

(b) Engaging in unprofessional conduct; or

(c) Violating any regulations adopted by the Board or the provisions of this chapter.

3. The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the Board deposits the money collected from the imposition of fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

5. The Board shall not administer a private reprimand.

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

Sec. 94. NRS 631.380 is hereby amended to read as follows:

631.380 All licenses and renewal certificates *to practice dentistry or a specialty thereof* heretofore issued by the Board and in force on March 20, 1951, shall remain in force subject to the provisions of this chapter, and shall entitle the holders to practice their profession as therein designated.

Sec. 95. NRS 631.395 is hereby amended to read as follows:

631.395 A person is guilty of the illegal practice of dentistry , ~~[or]~~ dental hygiene *or dental therapy* who:

1. Sells or barters, or offers to sell or barter, any diploma or document conferring or purporting to confer any dental degree, or any certificate or transcript made or purporting to be made pursuant to the laws regulating the licensing and registration of dentists , ~~[or]~~ dental hygienists *or dental therapists;*

2. Purchases or procures by barter any such diploma, certificate or transcript, with the intent that it be used as evidence of the holder's qualifications to practice dentistry, or in fraud of the laws regulating that practice;

3. With fraudulent intent, alters in a material regard any such diploma, certificate or transcript;

4. Uses or attempts to use any diploma, certificate or transcript, which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license or color of license to practice dentistry, or in order to procure registration as a dentist , ~~[or]~~ a dental hygienist *or dental therapist;*

5. Practices dentistry under a false or assumed name;

6. Assumes the degree of "Doctor of Dental Surgery" or "Doctor of Dental Medicine" or appends the letters "D.D.S." or "D.M.D." or "R.D.H." to his or her name, not having conferred upon him or her, by diploma from an

accredited dental or dental hygiene college or school legally empowered to confer the title, the right to assume the title, or assumes any title or appends any letters to his or her name with the intent to represent falsely that he or she has received a dental degree or license;

7. Willfully makes, as an applicant for examination, license or registration under this chapter, a false statement in a material regard in an affidavit required by this chapter;

8. Within 10 days after a demand is made by the Secretary-Treasurer, fails to furnish to the Board the names and addresses of all persons practicing or assisting in the practice of dentistry in the office of the person at any time within 60 days before the notice, together with a sworn statement showing under and by what license or authority the person and his or her employee are and have been practicing dentistry, but the affidavit must not be used as evidence against the person in any proceeding under this chapter;

9. Except as otherwise provided in NRS 629.091, practices dentistry , ~~[or]~~ dental hygiene *or dental therapy* in this State without a license;

10. Except as otherwise provided in NRS 631.385, owns or controls a dental practice, shares in the fees received by a dentist or controls or attempts to control the services offered by a dentist if the person is not himself or herself licensed pursuant to this chapter; or

11. Aids or abets another in violating any of the provisions of this chapter.

Sec. 96. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, a person who practices or offers to practice dental hygiene *or dental therapy* in this State without a license, or who, having a license, practices dental hygiene *or dental therapy* in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or

other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must include a telephone number with which the person may contact the Board.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 97. (Deleted by amendment.)

Sec. 98. (Deleted by amendment.)

Sec. 99. (Deleted by amendment.)

Sec. 100. (Deleted by amendment.)

Sec. 101. (Deleted by amendment.)

Sec. 102. (Deleted by amendment.)

Sec. 103. (Deleted by amendment.)

Sec. 104. (Deleted by amendment.)

Sec. 105. (Deleted by amendment.)

Sec. 106. (Deleted by amendment.)

Sec. 107. (Deleted by amendment.)

Sec. 108. (Deleted by amendment.)

Sec. 109. (Deleted by amendment.)

Sec. 110. (Deleted by amendment.)

Sec. 111. (Deleted by amendment.)

Sec. 112. (Deleted by amendment.)

Sec. 113. (Deleted by amendment.)

Sec. 114. (Deleted by amendment.)

Sec. 115. (Deleted by amendment.)

Sec. 116. (Deleted by amendment.)

Sec. 117. (Deleted by amendment.)

Sec. 118. (Deleted by amendment.)

Sec. 119. (Deleted by amendment.)
Sec. 120. (Deleted by amendment.)
Sec. 121. (Deleted by amendment.)
Sec. 122. (Deleted by amendment.)
Sec. 123. (Deleted by amendment.)
Sec. 124. (Deleted by amendment.)
Sec. 125. (Deleted by amendment.)
Sec. 126. (Deleted by amendment.)
Sec. 127. (Deleted by amendment.)
Sec. 128. (Deleted by amendment.)
Sec. 129. (Deleted by amendment.)
Sec. 130. (Deleted by amendment.)
Sec. 131. (Deleted by amendment.)
Sec. 132. (Deleted by amendment.)
Sec. 133. (Deleted by amendment.)

Sec. 133.5. Not later than January 1, 2025, the State Dental Health Officer shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that details the impact of authorizing the practice of dental therapy on the quality and availability of dental services in this State.

Sec. 133.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 134. 1. This section and sections 1 to 75, inclusive, 77 to 91, inclusive, and 93 to 133.7, inclusive, of this act become effective:

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

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

2. Section 76 of this act expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending or restricting the use of professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.

3. Section 92 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Senator Ratti moved that the Senate concur in Assembly Amendment No. 1081 to Senate Bill No. 366.

Remarks by Senator Ratti.

Assembly Amendment No. 1081 to Senate Bill No. 366 makes minor adjustments to the creation of the dental therapist.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 377.

The following Assembly amendment was read:

Amendment No. 1082.

SUMMARY—Revises provisions relating to workers' compensation. (BDR 53-1025)

AN ACT relating to industrial insurance; authorizing the use of money in the Fund for Workers' Compensation and Safety in the State Treasury to make certain payments; revising the authority of the Administrator of the Division of Industrial Relations of the Department of Business and Industry to make certain payments from the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety; establishing certain methods which must be used by the Administrator to determine the period of wages earned by an employee to calculate an average monthly wage; revising provisions providing for an annual increase in benefits for permanent total disability; authorizing assessments against certain employers to defray the costs of certain compensation for permanent total disability; repealing provisions authorizing annual payments to certain persons who are entitled to compensation for permanent total disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for an annual increase in compensation in the amount of 2.3 percent to claimants or dependents thereof who are entitled to compensation for permanent total disability under industrial insurance for an industrial injury or disablement from an occupational disease that occurs on or after January 1, 2004. (NRS 616C.473) Existing law provides for a single annual payment to claimants and their dependents who are entitled to receive compensation for permanent total disability but are not entitled to the 2.3 percent annual increase in that compensation because the industrial injury or disablement occurred before January 1, 2004. (NRS 616C.453) Existing law provides that such annual payments are paid from the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety in the State Treasury, an account which is funded by assessments against insurers and certain employers who provide accident benefits for injured employees. (NRS 616A.430)

Existing law sets forth the uses of money and securities in the Fund for Workers' Compensation and Safety. (NRS 616A.425) Section 1 of this bill provides that money in the Fund may also be used to: (1) reimburse insurers and employers for payments of an annual increase in compensation for permanent total disability to claimants and dependents of claimants who are

entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004, to the extent income realized on the investment of the assets in the Uninsured Employers' Claim Account in the Fund is sufficient to pay that compensation; and (2) pay the salary and other expenses of administering the payment of increased compensation to claimants and dependents of claimants who are entitled to compensation for permanent total disability caused by industrial injuries and disablements from occupational diseases that occurred before January 1, 2004.

Section 2.5 of this bill authorizes an insurer or employer who pays an annual increase in compensation for permanent total disability to a claimant or dependent who is entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004, to obtain reimbursement from the Administrator of the Division of Industrial Relations of the Department of Business and Industry and establishes the procedure for obtaining such a reimbursement. Under section 2.5, reimbursements approved by the Administrator are required to be paid from the income realized on the investment of the assets in the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety in the State Treasury. If the income realized on the investment of the assets in that Account is insufficient to fund the annual increase in compensation, the remainder of the reimbursements are required to be paid from certain assessments levied on insurers and employers by the Administrator.

Existing law provides that the amount of compensation for certain industrial injuries or death is based, in part, on the average monthly wage of the injured or deceased employee. (NRS 616C.440, 616C.475, 616C.490, 616C.505) Existing law requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to provide by regulation for a method of determining average monthly wage. (NRS 616C.420) Section 2.8 of this bill incorporates in statute certain provisions from current regulations which contain methods for determining the period of wages earned by an employee that must be used to calculate the average monthly wage. (NAC 616C.435)

Section 3 of this bill provides for a 2.3 percent annual increase in compensation for permanent total disability to claimants and dependents of claimants who are entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004, with compensation to be increased on January 1, 2020, and on January 1 each year thereafter.

Section 4 of this bill provides that assessments against employers who provide accident benefits for injured employees may be used to pay reimbursement to insurers for the cost of the annual increase in compensation payable to claimants and dependents of claimants who are entitled to such compensation due to an industrial injury or disablement which occurred before January 1, 2004, to the extent that income realized on the investment of the assets in the Uninsured Employers' Claim Account is insufficient to pay that reimbursement.

Section 5 of this bill repeals provisions which authorize a single annual payment to claimants and their dependents who are entitled to receive compensation for permanent total disability but are not entitled to the 2.3 percent annual increase in that compensation. Section 2 of this bill eliminates the authority of the Administrator of the Division of Industrial Relations of the Department of Business and Industry to make the annual payments from the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety and, instead, authorizes the reimbursements authorized by section 2.5 to be paid from the Account.

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

Section 1. NRS 616A.425 is hereby amended to read as follows:

616A.425 1. There is hereby established in the State Treasury the Fund for Workers' Compensation and Safety as an enterprise fund. All money received from assessments levied on insurers and employers by the Administrator pursuant to NRS 232.680 must be deposited in this Fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Division for functions supported in whole or in part from the Fund must be delivered to the custody of the State Treasurer for deposit to the credit of the Fund.

3. All money and securities in the Fund must be used to defray all costs and expenses of administering the program of workers' compensation, including the payment of:

(a) All salaries and other expenses in administering the Division of Industrial Relations, including the costs of the office and staff of the Administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the Hearings Division of the Department of Administration and the programs of self-insurance and review of premium rates by the Commissioner.

(c) The salary and other expenses of a full-time employee of the Legislative Counsel Bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) That portion of the salaries and other expenses of the Office for Consumer Health Assistance of the Department of Health and Human Services established pursuant to NRS 232.458 that is related to providing assistance to consumers and injured employees concerning workers' compensation.

*(g) For claimants and dependents of claimants who are entitled to receive compensation for a permanent total disability caused by an industrial injury or a disablement that occurred before January 1, 2004:*

*(1) Reimbursement to insurers for the cost of the annual increase in the compensation pursuant to subsection 2 of NRS 616C.473; and*

*(2) The salary and other expenses of administering the payment of the annual increase in the compensation pursuant to subsection 2 of NRS 616C.473.*

4. The State Treasurer may disburse money from the Fund only upon written order of the Controller.

5. The State Treasurer shall invest money of the Fund in the same manner and in the same securities in which the State Treasurer is authorized to invest state general funds which are in his or her custody. Income realized from the investment of the assets of the Fund must be credited to the Fund.

6. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the Commissioner 30 days before their effective date. Any insurer or employer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

7. If the Division refunds any part of an assessment, the Division shall include in that refund any interest earned by the Division from the refunded part of the assessment.

Sec. 2. NRS 616A.430 is hereby amended to read as follows:

616A.430 1. There is hereby established in the State Treasury the Uninsured Employers' Claim Account in the Fund for Workers' Compensation and Safety, which may be used only for the purpose of making payments in accordance with the provisions of NRS 616C.220 ~~[, 616C.453]~~ and 617.401 ~~[.]~~ *and subsection 2 of NRS 616C.473.* The Administrator shall administer the Account and shall credit any excess money toward the assessments of the insurers for the succeeding years.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the Administrator for the Uninsured Employers' Claim Account must be delivered to the custody of the State Treasurer.

3. All money and securities in the Account must be held by the State Treasurer as custodian thereof to be used solely for workers' compensation.

4. The State Treasurer may disburse money from the Account only upon written order of the State Controller.

5. The State Treasurer shall invest money of the Account in the same manner and in the same securities in which the State Treasurer is authorized to invest money of the State General Fund. Income realized from the investment of the assets of the Account must be credited to the Account.

6. The Administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265, an amount to be deposited in the Uninsured Employers' Claim Account. To establish the amount of the assessment, the Administrator shall determine the amount of money necessary to maintain an appropriate balance in the Account for each fiscal year and shall allocate a portion of that amount to be payable by private carriers, a portion to be payable by self-insured

employers, a portion to be payable by associations of self-insured public or private employers and a portion to be payable by the employers who provide accident benefits pursuant to NRS 616C.265, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable, the Administrator shall apply an assessment rate to the:

(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;

(b) Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;

(c) Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and

(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflects the relative hazard of the employments covered by those employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims.

➥ The Administrator shall adopt regulations for the establishment and administration of the assessment rates, payments and any penalties that the Administrator determines are necessary to carry out the provisions of this subsection. As used in this subsection, the term "group of insurers" includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.

7. The Commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the Commissioner 30 days before their effective date. Any insurer who wishes to appeal the rate so filed must do so pu4rsuant to NRS 679B.310.

Sec. 2.5. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

*1. An insurer, including an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an annual increase in compensation for a permanent total disability to a claimant or a dependent of a claimant pursuant to subsection 2 of NRS 616C.473 is entitled to be reimbursed for the amount of that increase in accordance with this section if the insurer provides to the Administrator all of the following:*

*(a) The name of the claimant or dependent of a claimant to whom the insurer paid the increase in compensation.*

*(b) The claim number under which the compensation for a permanent total disability was paid to the claimant or dependent of a claimant.*

*(c) The date of the industrial injury or disablement from an occupational disease which resulted in the permanent total disability of the injured employee.*

*(d) The date on which the disability of the injured employee was determined or deemed to be total and permanent.*

*(e) The amount of the compensation for a permanent total disability to which the claimant or dependent of a claimant was entitled as of December 31, 2019.*

*(f) Proof of the insurer's payment of the increase in compensation for a permanent total disability.*

*(g) The amount of reimbursement requested by the insurer.*

*2. An insurer must provide the Administrator with the items required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement for payments of increases in compensation for permanent total disability which were made in the immediately preceding calendar year.*

*3. An insurer may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by the Administrator.*

*4. If the Administrator approves an insurer's request for reimbursement, the Administrator must withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in that Account that is necessary to reimburse the insurer or employer for the cost of the increase in compensation paid to claimants and dependents pursuant to subsection 2 of NRS 616C.473. If the income realized from the investment of the assets in the Account is insufficient to pay such reimbursement, the Administrator must pay the remainder of the reimbursement from the assessments levied by the Administrator pursuant to NRS 232.680.*

*5. An insurer may elect to apply any approved reimbursement under this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.*

*Sec. 2.8.* NRS 616C.420 is hereby amended to read as follows:

616C.420 *1.* The Administrator shall provide by regulation for a method of determining average monthly wage.

*2. The method established pursuant to subsection 1 must provide that:*

*(a) Except as otherwise provided in this subsection, a history of wages earned for a period of 12 weeks must be used to calculate an average monthly wage.*

*(b) If a 12-week period of wages earned is not representative of the average monthly wage of the injured employee, wages earned over a period of 1 year or the full period of employment, if it is less than 1 year, may be used. Wages earned over 1 year or the full period of employment, if it is less than 1 year, must be used if the average monthly wage would be increased.*

*(c) If an injured employee is a member of a labor organization and is regularly employed by referrals from the office of that organization, wages earned from all employers for a period of 1 year may be used. A period of 1 year using all the wages earned by the injured employee from all his or her employers must be used if the average monthly wage would be increased.*

*(d) If information concerning payroll is not available for a period of 12 weeks, wages earned may be averaged for the available period, but not for a period of less than 4 weeks.*

*(e) If information concerning payroll is unavailable for a period of at least 4 weeks, average wages earned must be projected using the rate of pay on the date of the injury or illness and the projected working schedule of the injured employee.*

*(f) If wages earned are based on piecework and a history of wages earned is unavailable for a period of at least 4 weeks, the wages earned must be determined as being equal to the average wages earned by other employees doing the same work.*

*(g) If these methods of determining a period of wages earned cannot be applied reasonably and fairly, an average monthly wage must be calculated by the insurer at 100 percent of:*

*(1) The sum which reasonably represents the average monthly wage of the injured employee, as defined in regulations adopted pursuant to this section, at the time the injury or illness occurs; or*

*(2) The amount determined using the hourly wage on the day the injury or illness occurs and the projected working schedule of the injured employee.*

*(h) The period used to calculate the average monthly wage must consist of consecutive days, ending on the date on which the injury or illness occurs, or the last day of the payroll period preceding the injury or illness if this period is representative of the average monthly wage.*

➥ *As used in this subsection, "wages earned" means wages earned from the employment in which the injury or illness occurs and in any concurrent employment.*

Sec. 3. NRS 616C.473 is hereby amended to read as follows:

616C.473 1. If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurs on or after January 1, 2004, the claimant or dependent is entitled to an annual increase in that compensation in the amount of 2.3 percent. The compensation must be increased pursuant to this ~~[section:]~~ *subsection:*

(a) On January 1 of the year immediately after the year in which the claimant or dependent becomes entitled to receive that compensation; and

(b) On January 1 of each successive year after the year specified in paragraph (a) in which the claimant or dependent is entitled to receive that compensation.

2. *If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability caused by an industrial injury or a disablement from an occupational disease that occurred before January 1, 2004, the claimant or dependent is entitled to an annual increase in that compensation in the*

*amount of 2.3 percent. The compensation must be increased pursuant to this subsection:*

*(a) On January 1, 2020; and*

*(b) On January 1 of each year thereafter.*

*3.* Any increase in compensation provided pursuant to this section is in addition to any increase in compensation to which a claimant or a dependent of a claimant is otherwise entitled by law.

Sec. 4. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the Division, a full-time employee of the Legislative Counsel Bureau and the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420, and that portion of the cost of the Office for Consumer Health Assistance established pursuant to NRS 232.458 that is related to providing assistance to consumers and injured employees concerning workers' compensation, must be paid from assessments payable by each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265.

2. The Administrator shall assess each insurer, including each employer who provides accident benefits for injured employees pursuant to NRS 616C.265. To establish the amount of the assessment, the Administrator shall determine the amount of money necessary for each of the expenses set forth in subsections 1 and 4 of this section and subsection 3 of NRS 616A.425 and determine the amount that is payable by the private carriers, the self-insured employers, the associations of self-insured public or private employers and the employers who provide accident benefits pursuant to NRS 616C.265 for each of the programs. For the expenses from which more than one group of insurers receives benefit, the Administrator shall allocate a portion of the amount necessary for that expense to be payable by each of the relevant group of insurers, based upon the expected annual expenditures for claims of each group of insurers. After allocating the amounts payable among each group of insurers for all the expenses from which each group receives benefit, the Administrator shall apply an assessment rate to the:

(a) Private carriers that reflects the relative hazard of the employments covered by the private carriers, results in an equitable distribution of costs among the private carriers and is based upon expected annual premiums to be received;

(b) Self-insured employers that results in an equitable distribution of costs among the self-insured employers and is based upon expected annual expenditures for claims;

(c) Associations of self-insured public or private employers that results in an equitable distribution of costs among the associations of self-insured public or private employers and is based upon expected annual expenditures for claims; and

(d) Employers who provide accident benefits pursuant to NRS 616C.265 that reflect the relative hazard of the employments covered by those

employers, results in an equitable distribution of costs among the employers and is based upon expected annual expenditures for claims.

➥ The Administrator shall adopt regulations that establish the formula for the assessment and for the administration of payment, and any penalties that the Administrator determines are necessary to carry out the provisions of this subsection. The formula may use actual expenditures for claims. As used in this subsection, the term "group of insurers" includes the group of employers who provide accident benefits for injured employees pursuant to NRS 616C.265.

3. Federal grants may partially defray the costs of the Division.

4. Assessments made against insurers by the Division after the adoption of regulations must be used to defray all costs and expenses of administering the program of workers' compensation, including the payment of:

(a) All salaries and other expenses in administering the Division, including the costs of the office and staff of the Administrator.

(b) All salaries and other expenses of administering NRS 616A.435 to 616A.460, inclusive, the offices of the Hearings Division of the Department of Administration and the programs of self-insurance and review of premium rates by the Commissioner of Insurance.

(c) The salary and other expenses of a full-time employee of the Legislative Counsel Bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the Fraud Control Unit for Industrial Insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616C.220 and 617.401.

(f) That portion of the salaries and other expenses of the Office for Consumer Health Assistance established pursuant to NRS 232.458 that is related to providing assistance to consumers and injured employees concerning workers' compensation.

~~[5. If the Division refunds any part of an assessment, the Division shall include in that refund any interest earned by the Division from the refunded part of the assessment.]~~

*(g) For claimants and dependents of claimants who are entitled to receive compensation for a permanent total disability caused by an industrial injury or a disablement that occurred before January 1, 2004, reimbursement to insurers for the cost of the annual increase in the compensation pursuant to subsection 2 of NRS 616C.473.*

Sec. 5. NRS 616C.453 is hereby repealed.

*Sec. 5.5.* The amendatory provisions of section 2.8 of this act apply prospectively with regard to any claim pursuant to chapters 616A to 616D, inclusive, or 617 of NRS which is open on or filed on or after July 1, 2019.

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

TEXT OF REPEALED SECTION

616C.453 Additional annual payment to certain claimants and dependents

of claimants who are entitled to receive compensation for permanent total disability; adoption of regulations to determine amount of payment.

1. If a claimant or a dependent of a claimant is entitled to receive compensation pursuant to chapters 616A to 617, inclusive, of NRS for a permanent total disability and the claimant or dependent is not entitled to an annual increase in that compensation pursuant to NRS 616C.473, the claimant or dependent is entitled to an annual payment for that permanent total disability in an amount determined by the Administrator pursuant to subsection 3, but such annual payments may not exceed $1,200 per claimant or dependent. Except as otherwise provided in subsection 5, the total payments made pursuant to this section may not exceed $500,000 per year.

2. Each year, the Administrator shall withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in the Account that is necessary to fund the payments calculated pursuant to subsection 3.

3. The Administrator shall adopt regulations establishing a method for the equitable distribution of the money withdrawn from the Account pursuant to subsection 2. The regulations must provide for payments that result in the largest proportional share of the money being paid to claimants and dependents who receive the lowest amount of compensation pursuant to chapters 616A to 617, inclusive, of NRS for the permanent total disability. The Administrator may adopt any other regulations that are necessary to carry out the provisions of this section.

4. Except as otherwise provided in subsection 5, the Administrator shall make the payment required by this section to each claimant and dependent of the claimant who is entitled to the payment not later than October 1 of each year. Any payment received by the claimant or dependent of the claimant pursuant to this section is in addition to any compensation to which the claimant or dependent of the claimant is otherwise entitled by law.

5. The Administrator may make a payment from the Account to a claimant or a dependent of a claimant that would have been payable in a prior year pursuant to subsection 3 if the Administrator determines that the claimant or dependent was entitled to the payment pursuant to subsection 1.

Senator Spearman moved that the Senate concur in Assembly Amendment No. 1082 to Senate Bill No. 377.

Remarks by Senator Spearman.

Assembly Amendment No. 1082 to Senate Bill No. 377 specifies methods for determining the period of wages earned by employee makes this amendment applicable to claims open or filed on or after July 1, 2019.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 501.

The following Assembly amendment was read:

Amendment No. 1124.

SUMMARY—Makes ~~[an appropriation for the relocation of the National Atomic Testing Museum.]~~ appropriations relating to certain nonprofit corporations. (BDR S-1164)

AN ACT making ~~[an appropriation for the relocation of the National Atomic Testing Museum;]~~ appropriations relating to various nonprofit and governmental entities for specified purposes; 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 Interim Finance Committee the sum of $1,000,000 for allocation pursuant to ~~[section]~~ subsection 2 ~~[of this act]~~ to the nonprofit corporation formed to relocate the National Atomic Testing Museum in Las Vegas, Nevada, upon a showing to the Committee:

~~[1.]~~ (a) That the corporation has been incorporated under the laws of this State as a nonprofit corporation; and

~~[2.]~~ (b) That the purpose of the corporation is to relocate the National Atomic Testing Museum in Las Vegas, Nevada.

~~[Sec. 2. 1.]~~ 2. Allocation of the money appropriated by ~~[section]~~ subsection 1 ~~[of this act]~~ is contingent upon matching money being obtained by the nonprofit corporation described in ~~[section]~~ subsection 1 , ~~[of this act,]~~ including, without limitation, gifts, grants and donations to the nonprofit corporation from private and public sources of money other than the appropriation made by ~~[section]~~ subsection 1 . ~~[of this act.]~~ The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by ~~[section]~~ subsection 1 ~~[of this act]~~ until the nonprofit corporation submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

~~[2.]~~ 3. Upon acceptance of the money allocated pursuant to subsection ~~[1,]~~ 2, the nonprofit corporation agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2020, that describes each expenditure made from the money allocated pursuant to subsection ~~[1]~~ 2 from the date on which the money was received by the nonprofit corporation through December 1, 2020;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2021, that describes each expenditure made from the money allocated pursuant to subsection ~~[1]~~ 2 from the date on which the money was received by the nonprofit corporation through June 30, 2021; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the nonprofit corporation, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money allocated pursuant to subsection ~~[1.]~~ 2.

~~[Sec. 3.]~~ 4. Any remaining balance of the appropriation made by ~~[section]~~ subsection 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. 2.* 1. There is hereby appropriated from the State General Fund to the Reno Rodeo Association the sum of $1,000,000 for the advance planning and schematic design phases on a master plan to rehabilitate, repair, renovate and improve the Reno-Sparks Livestock Events Center.

2. Upon acceptance of the money appropriated by subsection 1, the Reno Rodeo Association agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2020, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Reno Rodeo Association through December 1, 2020;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2021, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Reno Rodeo Association through June 30, 2021; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Reno Rodeo Association, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

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

*Sec. 3.* 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $500,000 for allocation to the International Gaming Institute of the William F. Harrah College of Hotel Administration of the University of Nevada, Las Vegas for the Leaderverse Initiative to increase the diversity of leaders in the gaming industry.

2. Allocation of the money appropriated by subsection 1 is contingent upon matching money being obtained by the International Gaming Institute, including, without limitation, gifts, grants and donations to the International

Gaming Institute from private and public sources of money other than the appropriation made by subsection 1. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by subsection 1 until the International Gaming Institute submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

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

*Sec. 4.* 1. There is hereby appropriated from the State General Fund to the Nevada State Museum, Las Vegas the sum of $3,000,000 to provide a grant of money to the Springs Preserve Foundation to be used for the purposes set forth in subsection 2.

2. The Springs Preserve Foundation shall use:

(a) Not more than $1,000,000 of the grant provided pursuant to subsection 1 for the renovation of the Sustainability Gallery to relocate the Nature Gallery and develop classroom and indoor play spaces for children.

(b) Not more than $2,000,000 of the grant provided pursuant to subsection 1 for the design of the Science and Sustainability Center to expand exhibit space and construct a large classroom facility.

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

*Sec. 5.* 1. There is hereby appropriated from the State General Fund to Vegas PBS the sum of $709,150 for the production of episodes and related educational curriculum for the Outdoor Nevada television series.

2. Upon acceptance of the money appropriated by subsection 1, Vegas PBS agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2020, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Vegas PBS through December 1, 2020;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2021, that describes each expenditure made from the

money appropriated by subsection 1 from the date on which the money was received by Vegas PBS through June 30, 2021; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of Vegas PBS, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1.

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

~~[Sec. 4.]~~ *Sec. 6.* This act becomes effective upon passage and approval.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1124 to Senate Bill No. 501.

Remarks by Senators Woodhouse and Settelmeyer.

SENATOR WOODHOUSE:

Assembly Amendment No. 1124 to Senate Bill No. 501 added $709,150 for PDS Outdoor Nevada, $3 million for Springs Preserve, $500,000 for the Leaderverse Initiative and $1 million for the Reno Rodeo. These are great additions to the bill.

SENATOR SETTELMEYER:

Do you have a total number of how much money was added in this appropriation to this bill? I am probably going to ask the same question on the next one.

SENATOR WOODHOUSE:

I do not have it added up.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 540.

The following Assembly amendment was read:

Amendment No. 1114.

SUMMARY—Revises provisions relating to ~~[vulnerable]~~ persons ~~[.]~~ in need of protection. (BDR 14-1201)

AN ACT relating to ~~[vulnerable]~~ persons ~~[,]~~ in need of protection; revising provisions governing the Repository for Information Concerning Crimes Against Older Persons; revising and repealing provisions relating to the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person; revising provisions relating to the Unit for Investigation and Prosecution of Crimes Against Older Persons of the Office of the Attorney General; revising provisions relating to powers of attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a "vulnerable person" as a person who is 18 years of age or older and who: (1) suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or (2) has one or more physical or mental limitations that restrict his or her ability to perform daily activities. (NRS 200.5092)

Existing law also defines "protective services" as services that prevent or remedy abuse, neglect, exploitation, isolation and abandonment of older persons. Existing law defines an "older person" as a person who is 60 years of age or older. (NRS 200.5092) Section 5 expands the definition of "protective services" to include services that prevent and remedy abuse, neglect, exploitation, isolation and abandonment of vulnerable persons.

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to: (1) identify and record demographic information concerning older persons who have allegedly been abused, neglected, exploited, isolated or abandoned and those persons who are allegedly responsible for such abuse, neglect, exploitation, isolation or abandonment; (2) obtain information from programs for preventing abuse of older persons and analyze and compare such programs; and (3) publicize provisions of law concerning abuse, neglect, exploitation, isolation or abandonment of older persons. (NRS 200.5098) Section 9 of this bill expands the duties of the Division to include vulnerable persons in such duties. Sections 10-12 of this bill make conforming changes.

Existing law requires certain persons in their professional or occupational capacity, who know or have reasonable cause to believe that an older person has been abused, neglected, exploited, isolated or abandoned to report such abuse, neglect, exploitation, isolation or abandonment within 24 hours to: (1) a local office of the Aging and Disability Services Division of the Department of Health and Human Services; (2) a police department or sheriff's office; or (3) a toll-free telephone service designated by the Division. (NRS 200.5093) Existing law also requires certain persons in their professional or occupational capacity, who know or have reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned to report such abuse, neglect, exploitation, isolation or abandonment within 24 hours to a law enforcement agency. (NRS 200.50935) Section 6 of this bill expands those agencies to which a person in his or her professional or occupational capacity can make a report concerning abuse, neglect, exploitation, isolation or abandonment of a vulnerable person to include the local office of the Aging and Disability Services Division or the toll-free telephone service of the Division, meaning that the same process is used for reporting instances of abuse, neglect, exploitation, isolation or abandonment of both older persons and vulnerable persons. Section 33 repeals the existing process for making such a report concerning a vulnerable person. Sections 2, 3, 7, 8 and 25-31 of this bill make conforming changes.

Existing law provides that reports concerning abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person are confidential. Existing law authorizes certain persons to have access to certain information and data contained in such a report. (NRS 200.5095) Section 8 of this bill also authorizes such a report to be made available to the State Guardianship Compliance Office or an attorney who represents an older person or vulnerable person in a guardianship proceeding. If such an attorney receives information from such a report, section 10 of this bill requires the attorney to disclose the information concerning abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the court in a guardianship proceeding within 20 days after the attorney's receipt of such information.

Existing law authorizes the Unit for the Investigation and Prosecution of Crimes Against Older Persons of the Office of the Attorney General to investigate and prosecute alleged abuse, neglect, exploitation, isolation or abandonment of an older person under certain circumstances. (NRS 228.270) Section 17 of this bill changes the name of the Unit to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. Section 18 of this bill authorizes the Unit to investigate and prosecute the alleged abuse, neglect, exploitation, isolation or abandonment of a vulnerable person under certain circumstances.

Existing law provides that the Unit for the Investigation and Prosecution of Crimes Against Older Persons may also bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation, isolation or abandonment of an older person. Existing law also authorizes the Attorney General to seek a civil penalty against such a person responsible for the abuse, neglect, exploitation, isolation or abandonment of the older person. (NRS 228.275, 228.280) Section 19 of this bill authorizes the Unit to bring such an action to enjoin or obtain equitable relief to prevent such abuse, neglect, exploitation, isolation or abandonment of a vulnerable person. Section 20 of this bill authorizes the Attorney General to seek a civil penalty against such a person responsible for the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person. Sections 16 and 21-23 of this bill make conforming changes.

Existing law requires the Repository for Information Concerning Crimes Against Older Persons to contain records of all reports of abuse, neglect, exploitation, isolation or abandonment of older persons in this State. (NRS 179A.450) Section 1 of this bill changes the name of the Repository to the Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons and additionally requires the Repository to contain records concerning abuse, neglect, exploitation, isolation or abandonment of vulnerable persons in this State.

Section 4 of this bill requires the sheriff of each county to designate an employee of the sheriff's department as a point of contact to the Aging and Disability Services Division of the Department of Health and Human Services.

Sections 13 and 24 of this bill make conforming changes to add vulnerable persons.

Senate Bill No. 223 of the 2019 Legislative Session provides that an agent under a power of attorney may consent to the placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long-term care facility only if the power of attorney expressly grants the agent that authority. (Section 2 of Senate Bill No. 223 of this session) Senate Bill No. 223 also revises the form for a general power of attorney to allow a principal to indicate whether the principal authorizes the agent to consent to placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long-term care facility. (Section 3 of Senate Bill No. 223 of this session) Sections 32 and 34 of this bill remove those provisions added by Senate Bill No. 223 without revising existing law concerning general powers of attorney. Instead, sections 3.5 and 32 of this bill revise the forms for a general power of attorney and a durable power of attorney for health care to allow a principal to communicate his or her wishes concerning living arrangements.

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

Section 1. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons *or Vulnerable Persons* is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons *or Vulnerable Persons* must contain a complete and systematic record of all reports of the abuse, neglect, exploitation, isolation or abandonment of older persons *or vulnerable persons* in this State. The record must be prepared in a manner approved by the Director of the Department and must include, without limitation, the following information:

(a) All incidents that are reported to state and local law enforcement agencies and the Aging and Disability Services Division of the Department of Health and Human Services.

(b) All cases that were investigated and the type of such cases.

3. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on the abuse, neglect, exploitation, isolation or abandonment of older persons ~~[.]~~ *or vulnerable persons.*

4. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation, isolation or abandonment of older persons ~~[.]~~ *or vulnerable persons.*

5. As used in this section:

(a) "Abandonment" has the meaning ascribed to it in NRS 200.5092.

(b) "Abuse" has the meaning ascribed to it in NRS 200.5092.

(c) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

(d) "Isolation" has the meaning ascribed to it in NRS 200.5092.

(e) "Neglect" has the meaning ascribed to it in NRS 200.5092.

(f) "Older person" means a person who is 60 years of age or older.

*(g) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.*

Sec. 2. NRS 49.2549 is hereby amended to read as follows:

49.2549 There is no privilege pursuant to NRS 49.2547 if:

1. The purpose of the victim in seeking services from a victim's advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud;

2. The communication concerns a report of abuse or neglect of a child, older person or vulnerable person in violation of NRS 200.508 ~~[,]~~ *or* 200.5093 , ~~[or 200.50935,]~~ but only as to that portion of the communication;

3. The communication is relevant to an issue of breach of duty by the victim's advocate to the victim or by the victim to the victim's advocate; or

4. Disclosure of the communication is otherwise required by law.

Sec. 3. NRS 90.6145 is hereby amended to read as follows:

90.6145 1. Each broker-dealer and investment adviser shall designate a person or persons to whom a sales representative, representative of the investment adviser or officer or employee of the broker-dealer or investment adviser must report known or suspected exploitation of an older person or vulnerable person.

2. If a sales representative, representative of an investment adviser or officer or employee of the broker-dealer or investment adviser reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected exploitation occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of an older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the agency alleged to have committed the act or omission.

4. ~~[If a sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of a vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the agency alleged to have committed the act or omission.~~

~~6.]~~ In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any fact or information that forms the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* A sales representative, representative of an investment adviser or officer or employee of a broker-dealer or investment adviser and a designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report pursuant to this section in good faith.

*Sec. 3.5.* NRS 162A.860 is hereby amended to read as follows:

162A.860 Except as otherwise provided in NRS 162A.865, the form of a power of attorney for health care may be substantially in the following form, and must be witnessed or executed in the same manner as the following form:

DURABLE POWER OF ATTORNEY
FOR HEALTH CARE DECISIONS
WARNING TO PERSON EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OR STATEMENT OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE

HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE OR PROCEDURE TO MAINTAIN, DIAGNOSE OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.

2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.

4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.

5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.

6. *YOU HAVE THE RIGHT TO DECIDE WHERE YOU LIVE, EVEN AS YOU AGE. DECISIONS ABOUT WHERE YOU LIVE ARE PERSONAL. SOME PEOPLE LIVE AT HOME WITH SUPPORT, WHILE OTHERS MOVE TO ASSISTED LIVING FACILITIES OR FACILITIES FOR SKILLED NURSING. IN SOME CASES, PEOPLE ARE MOVED TO FACILITIES WITH LOCKED DOORS TO PREVENT PEOPLE WITH COGNITIVE DISORDERS FROM LEAVING OR GETTING LOST OR TO PROVIDE ASSISTANCE TO PEOPLE WHO REQUIRE A HIGHER LEVEL OF CARE. YOU SHOULD DISCUSS WITH THE PERSON DESIGNATED IN THIS DOCUMENT YOUR DESIRES ABOUT WHERE YOU LIVE AS YOU AGE OR IF YOUR HEALTH DECLINES. YOU HAVE THE RIGHT TO*

*DETERMINE WHETHER TO AUTHORIZE THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE DECISIONS FOR YOU ABOUT WHERE YOU LIVE WHEN YOU ARE NO LONGER CAPABLE OF MAKING THAT DECISION. IF YOU DO NOT PROVIDE SUCH AUTHORIZATION TO THE PERSON DESIGNATED IN THIS DOCUMENT, THAT PERSON MAY NOT BE ABLE TO ASSIST YOU TO MOVE TO A MORE SUPPORTIVE LIVING ARRANGEMENT WITHOUT OBTAINING APPROVAL THROUGH A JUDICIAL PROCESS.*

*7.* YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.

~~[7.]~~ *8.* YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.

~~[8.]~~ *9.* THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.

~~[9.]~~ *10.* THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

~~[10.]~~ *11.* IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

1. DESIGNATION OF HEALTH CARE AGENT.

I, .....
(insert your name) do hereby designate and appoint:

Name:.....
Address: .....
Telephone Number: .....
as my agent to make health care decisions for me as authorized in this document.

(Insert the name and address of the person you wish to designate as your agent to make health care decisions for you. Unless the person is also your spouse, legal guardian or the person most closely related to you by blood, none of the following may be designated as your agent: (1) your treating provider of health care; (2) an employee of your treating provider of health care; (3) an operator of a health care facility; or (4) an employee of an operator of a health care facility.)

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE.

By this document I intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED.

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the agent named above full power and authority: to make health care decisions for me before or after my death, including consent, refusal of consent or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose or treat a physical or mental condition; to request, review and receive any information, verbal or written, regarding my physical or mental health, including, without limitation, medical and hospital records; to execute on my behalf any releases or other documents that may be required to obtain medical care and/or medical and hospital records, EXCEPT any power to enter into any arbitration agreements or execute any arbitration clauses in connection with admission to any health care facility including any skilled nursing facility; and subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS.

(Your agent is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization or abortion. If there are any other types of treatment or placement that you do not want your agent's authority to give consent for or other restrictions you wish to place on his or her agent's authority, you should list them in the space below. If you do not write any limitations, your agent will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my agent is subject to the following special provisions and limitations:

.....

.....

.....

.....

5. DURATION.

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent will continue to

exist until the time when I become able to make health care decisions for myself.

(IF APPLICABLE)

I wish to have this power of attorney end on the following date:

6. STATEMENT OF DESIRES ~~[.]~~ CONCERNING TREATMENT.

(With respect to decisions to withhold or withdraw life-sustaining treatment, your agent must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your agent has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

~~[1.]~~ *A.* I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures. [ .....]

~~[2.]~~ *B.* If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initialed.) [ .....]

~~[3.]~~ *C.* If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS 449A.400 to 449A.481, inclusive, if this subparagraph is initiated.) [ .....]

~~[4.]~~ *D.* Withholding or withdrawal of artificial nutrition and hydration may result in death by starvation or dehydration. I want to receive or continue receiving artificial nutrition and hydration by way of the gastrointestinal tract after all other treatment

is withheld. [ .....]

~~[5.]~~ *E.* I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My agent is to consider the relief of suffering, the preservation or restoration of functioning, and the quality as well as the extent of the possible extension of my life. [ .....]

(If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires: .....
.....
.....
.....
.....

7. *STATEMENT OF DESIRES CONCERNING LIVING ARRANGEMENTS*

*A. I desire to live in my home as long as it is safe and my medical needs can be met. My agent may arrange for a natural person, employee of an agency or provider of community-based services to come into my home to provide care for me. When it is no longer safe for me to live in my home, I authorize my agent to place me in a facility or home that can provide any medical assistance and support in my activities of daily living that I require. Before being placed in such a facility or home, I wish for my agent to discuss and share information concerning the placement with me. [ .....]*

*B. I desire to live in my home for as long as possible without regard for my medical needs, personal safety or ability to engage in activities of daily living. My agent may arrange for a natural person, an employee of an agency or a provider of community-based services to come into my home and provide care for me. I understand that, before I may be placed in a facility or home other than the home in which I currently reside, a guardian must be appointed for me. [ .....]*

*(If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)*

*Other or Additional Statements of Desires:*.....

.....

.....

.....

.....

*8.* DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same health care decisions as the agent designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my agent is unable to make health care decisions for me, then I designate the following persons to serve as my agent to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. First Alternative Agent

Name: .....

Address: .....

Telephone Number: .....

B. Second Alternative Agent

Name: .....

Address: .....

Telephone Number: .....

~~[8.]~~ *9.* PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

~~[9.]~~ *10.* WAIVER OF CONFLICT OF INTEREST.

If my designated agent is my spouse or is one of my children, then I waive any conflict of interest in carrying out the provisions of this Durable Power of Attorney for Health Care that said spouse or child may have by reason of the fact that he or she may be a beneficiary of my estate.

~~[10.]~~ *11.* CHALLENGES.

If the legality of any provision of this Durable Power of Attorney for Health Care is questioned by my physician, my agent or a third party, then my agent is authorized to commence an action for declaratory judgment as to the legality of the provision in question. The cost of any such action is to be paid from my estate. This Durable Power of Attorney for Health Care must be construed and interpreted in accordance with the laws of the State of Nevada.

~~[11.]~~ *12.* NOMINATION OF GUARDIAN.

If, after execution of this Durable Power of Attorney for Health Care, proceedings seeking an adjudication of incapacity are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

~~[12.]~~ *13.* RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information by any government agency, medical provider, business, creditor or third party who may have information pertaining to my health care, to my agent named herein, pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations.

(YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY)

I sign my name to this Durable Power of Attorney for Health Care on ..... (date) at ..... (city), ..... (state)

.....
(Signature)

(THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (1) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (2) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.)

CERTIFICATE OF ACKNOWLEDGMENT
OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }
}ss.
County of ..... }

On this..... day of....., in the year.., before me,..... (here insert name of notary public) personally appeared..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

NOTARY SEAL .....
(Signature of Notary Public)

STATEMENT OF WITNESSES

(You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure. If you elect to use witnesses instead of having this document notarized, you must use two qualified adult witnesses. None of the

following may be used as a witness: (1) a person you designate as the agent; (2) a provider of health care; (3) an employee of a provider of health care; (4) the operator of a health care facility; or (5) an employee of an operator of a health care facility. At least one of the witnesses must make the additional declaration set out following the place where the witnesses sign.)

I declare under penalty of perjury that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney in my presence, that the principal appears to be of sound mind and under no duress, fraud or undue influence, that I am not the person appointed as agent by this document and that I am not a provider of health care, an employee of a provider of health care, the operator of a health care facility or an employee of an operator of a health care facility.

Signature: ..... Residence Address: .....
Print Name: ..... .....
Date: ..... .....

Signature: ..... Residence Address: .....
Print Name: ..... .....
Date: ..... .....

(AT LEAST ONE OF THE ABOVE WITNESSES MUST ALSO SIGN THE FOLLOWING DECLARATION.)

I declare under penalty of perjury that I am not related to the principal by blood, marriage or adoption and that to the best of my knowledge, I am not entitled to any part of the estate of the principal upon the death of the principal under a will now existing or by operation of law.

Signature: .....
Signature: .....
Names: ..... Address: .....
Print Name: ..... .....
Date: ..... .....

COPIES: You should retain an executed copy of this document and give one to your agent. The power of attorney should be available so a copy may be given to your providers of health care.

Sec. 4. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The sheriff of each county shall designate one employee as a point of contact for the Aging and Disability Services Division of the Department of Health and Human Services.*

*2. Upon the request of the Aging and Disability Services Division, the employee designated pursuant to subsection 1 shall offer consultation and advice to the Division regarding a report submitted pursuant to NRS 200.5093*

*and 200.5094 or a request for assistance by the Division relating to abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person.*

*3. The employee designated pursuant to subsection 1 shall provide his or her contact information to the Administrator of the Aging and Disability Services Division within 20 days after his or her designation as the point of contact.*

Sec. 5. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act,* unless the context otherwise requires:

1. "Abandonment" means:

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. "Abuse" means willful:

(a) Infliction of pain or injury on an older person or a vulnerable person;

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;

(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:

(1) Threatening, controlling or socially isolating the older person or vulnerable person;

(2) Disregarding the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of

the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

➥ As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

➥ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

5. "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.

6. "Older person" means a person who is 60 years of age or older.

7. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons ~~[.]~~ *or vulnerable persons.* The services may include:

(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and

(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

8. "Vulnerable person" means a person 18 years of age or older who:

(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

Sec. 6. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person *or vulnerable person* has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person *or vulnerable person* has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person *or vulnerable person* who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons ~~[.]~~ *or vulnerable persons.*

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a peer support recovery organization, as defined in NRS 449.01563.

(n) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person *or vulnerable person* has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person *or vulnerable person* and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes

his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons *or Vulnerable Persons* created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person *or vulnerable person* is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person *or vulnerable person* if the older person *or vulnerable person* is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 7. NRS 200.5094 is hereby amended to read as follows:

200.5094 1. A person may make a report pursuant to NRS 200.5093 ~~[or 200.50935]~~ by telephone or, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made orally, the person who receives the report must reduce it to writing as soon as reasonably practicable.

2. The report must contain the following information, when possible:

(a) The name and address of the older person or vulnerable person;

(b) The name and address of the person responsible for his or her care, if there is one;

(c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited, isolated or abandoned the older person or vulnerable person;

(d) The nature and extent of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(e) Any evidence of previous injuries; and

(f) The basis of the reporter's belief that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

Sec. 8. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 ~~[, 200.50935]~~ and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; ~~[or]~~

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally ~~[incompetent.]~~ *incapacitated;*

*(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:*

*(1) The protected person is an older person or vulnerable person;*

*(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and*

*(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or*

*(l) The State Guardianship Compliance Office created by NRS 159.341.*

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 9. NRS 200.5098 is hereby amended to read as follows:

200.5098 1. The Aging and Disability Services Division of the Department of Health and Human Services shall:

(a) Identify and record demographic information on the older person *or vulnerable person* who is alleged to have been abused, neglected, exploited, isolated or abandoned and the person who is alleged to be responsible for such abuse, neglect, exploitation, isolation or abandonment.

(b) Obtain information from programs for preventing abuse of older persons ~~[,]~~ *or vulnerable persons,* analyze and compare the programs, and make recommendations to assist the organizers of the programs in achieving the most efficient and effective service possible.

(c) Publicize the provisions of NRS 200.5091 to 200.50995, inclusive ~~[.]~~ , *and section 4 of this act.*

2. The Administrator of the Aging and Disability Services Division of the Department may organize one or more teams to assist in strategic assessment and planning of protective services, issues regarding the delivery of service, programs or individual plans for preventing, identifying, remedying or treating abuse, neglect, exploitation, isolation or abandonment of older persons ~~[.]~~ *or vulnerable persons.* Members of the team serve at the invitation of the Administrator and must be experienced in preventing, identifying, remedying or treating abuse, neglect, exploitation, isolation or abandonment of older persons ~~[.]~~ *or vulnerable persons.* The team may include representatives of

other organizations concerned with education, law enforcement or physical or mental health.

3. The team may receive otherwise confidential information and records pertaining to older persons *or vulnerable persons* to assist in assessing and planning. The confidentiality of any information or records received must be maintained under the terms or conditions required by law. The content of any discussion regarding information or records received by the team pursuant to this subsection is not subject to discovery and a member of the team shall not testify regarding any discussion which occurred during the meeting. Any information disclosed in violation of this subsection is inadmissible in all judicial proceedings.

Sec. 10. NRS 200.50982 is hereby amended to read as follows:

200.50982 1. The provisions of NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act* do not prohibit ~~[an]~~ *:*

*(a) An* agency which is investigating a report of abuse, neglect, exploitation, isolation or abandonment, or which provides protective services, from disclosing data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person to other federal, state or local agencies or the legal representatives of the older person or vulnerable person on whose behalf the investigation is being conducted if:

~~[(a)]~~ *(1)* The agency making the disclosure determines that the disclosure is in the best interest of the older person or vulnerable person; and

~~[(b)]~~ *(2)* Proper safeguards are taken to ensure the confidentiality of the information.

*(b) An attorney who receives data or information pursuant to paragraph (k) of subsection 3 of NRS 200.5095 from disclosing data or information concerning a report or investigation of the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person to a court of competent jurisdiction in a guardianship proceeding concerning the older person or vulnerable person.*

2. If the Aging and Disability Services Division of the Department of Health and Human Services is investigating a report of abuse, neglect, exploitation, isolation or abandonment of an older person ~~[,]~~ *or vulnerable person,* a law enforcement agency shall, upon request of the Aging and Disability Services Division, provide information relating to any suspect in the investigation as soon as possible. The information must include, when possible:

(a) The records of criminal history of the suspect;

(b) Whether or not the suspect resides with or near the older person ~~[;]~~ *or vulnerable person;* and

(c) A summary of any events, incidents or arrests which have occurred at the residence of the suspect or the older person *or vulnerable person* within the past 90 days and which involve physical violence or concerns related to public safety or the health or safety of the older person ~~[.]~~ *or vulnerable person.*

*3. An attorney shall make the disclosure pursuant to paragraph (b) of subsection 1 to the court within 20 days after his or her receipt of data or information concerning a report or investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person.*

Sec. 11. NRS 200.50984 is hereby amended to read as follows:

200.50984 1. Notwithstanding any other statute to the contrary, the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a county's office for protective services, if one exists in the county where a violation is alleged to have occurred, may for the purpose of investigating an alleged violation of NRS 200.5091 to 200.50995, inclusive, *and section 4 of this act,* inspect all records pertaining to the older person *or vulnerable person* on whose behalf the investigation is being conducted, including, but not limited to, that person's medical and financial records.

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person ~~[,]~~ *or vulnerable person,* the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the older person *or vulnerable person* before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services determines that the older person *or vulnerable person* is unable to consent to the inspection, the inspection may be conducted without his or her consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person ~~[,]~~ *or vulnerable person,* the Aging and Disability Services Division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the Aging and Disability Services Division or the county's office for protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, isolating or abandoning the older person ~~[,]~~ *or vulnerable person,* the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

Sec. 12. NRS 200.50986 is hereby amended to read as follows:

200.50986 The local office of the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may petition a court in accordance with NRS 159.185, 159.1853 or 159.1905 for the removal of the guardian of an older person ~~[,]~~ *or vulnerable person,* or the termination or modification of that guardianship, if, based on its investigation, the Aging and Disability Services Division or the county's office of protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting, isolating or abandoning the older person *or vulnerable person* in violation of NRS 200.5091 to 200.50995, inclusive ~~[.]~~ *, and section 4 of this act.*

Sec. 13. NRS 217.070 is hereby amended to read as follows:

217.070 1. "Victim" means:

(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 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.

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. 14. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Vulnerable person" has the meaning ascribed to it in NRS 200.5092.*

Sec. 15. NRS 228.250 is hereby amended to read as follows:

228.250 As used in NRS 228.250 to 228.290, inclusive, *and section 14 of this act,* unless the context otherwise requires, the words and terms defined in NRS 228.255 and 228.260 *and section 14 of this act* have the meanings ascribed to them in those sections.

Sec. 16. NRS 228.260 is hereby amended to read as follows:

228.260 "Unit" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* created pursuant to NRS 228.265.

Sec. 17. NRS 228.265 is hereby amended to read as follows:

228.265 There is hereby created in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons ~~[.]~~ *or Vulnerable Persons.*

Sec. 18. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* or the death of an older person *or vulnerable person* that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney's office in the county where the case is under review;

(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner's office; and

(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person *or vulnerable person* who is the subject of the review or any person who was in contact with the older person *or vulnerable person* and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* or the death of an older person *or vulnerable person* that is alleged to be the result of abuse, neglect, isolation or abandonment.

Sec. 19. NRS 228.275 is hereby amended to read as follows:

228.275 The Unit may bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation, isolation or abandonment of an older person ~~[.]~~ *or vulnerable person.* The court may award reasonable attorney's fees and costs if the Unit prevails in such an action.

Sec. 20. NRS 228.280 is hereby amended to read as follows:

228.280 1. In addition to any criminal penalty, a person who is convicted of a crime against an older person *or vulnerable person* for which an additional

term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 or of the abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* pursuant to NRS 200.5099 or 200.50995 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:

(a) For the first offense, in an amount which is not less than $5,000 and not more than $20,000.

(b) For a second or subsequent offense, in an amount which is not less than $10,000 and not more than $30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons *or vulnerable persons* who are:

(1) Victims of a crime for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167; or

(2) Abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 and 200.50995.

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* created pursuant to NRS 228.285.

Sec. 21. NRS 228.285 is hereby amended to read as follows:

228.285 1. The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* is hereby created in the State General Fund. The Attorney General shall administer the Account.

2. The money in the Account must only be used to carry out the provisions of NRS 228.250 to 228.290, inclusive, *and section 14 of this act* and to pay the expenses incurred by the Unit in the discharge of its duties, including, without limitation, expenses relating to the provision of training and salaries and benefits for employees of the Unit.

3. Money in the Account must remain in the Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 22. NRS 228.290 is hereby amended to read as follows:

228.290 1. The Unit may apply for any available grants and accept gifts, grants, appropriations or donations to assist the Unit in carrying out its duties pursuant to the provisions of this chapter.

2. Any money received by the Unit must be deposited in the Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons *or Vulnerable Persons* created pursuant to NRS 228.285.

Sec. 23. NRS 228.495 is hereby amended to read as follows:

228.495 1. The Committee may review the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018 if a court or an agency of a local government does not organize or sponsor a multidisciplinary

team pursuant to NRS 217.475 or if the court or agency requests the assistance of the Committee. In addition to the review of a particular case, the Committee shall:

(a) Examine the trends and patterns of deaths of victims of crimes that constitute domestic violence in this State;

(b) Determine the number and type of incidents the Committee wishes to review;

(c) Make policy and other recommendations for the prevention of deaths from crimes that constitute domestic violence;

(d) Engage in activities to educate the public, providers of services to victims of domestic violence and policymakers concerning deaths from crimes that constitute domestic violence and strategies for intervention and prevention of such crimes; and

(e) Recommend policies, practices and services to encourage collaboration and reduce the number of deaths from crimes that constitute domestic violence.

2. The review of the death of a victim pursuant to this section does not grant the Attorney General or the Committee supervisory authority over, or restrict or impair the statutory authority of, any state or local governmental agency responsible for the investigation or prosecution of the death of a victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

3. Before reviewing the death of a victim pursuant to this section, the Committee shall adopt a written protocol describing the objectives and structure of the review.

4. The Committee may request any person, agency or organization that is in possession of information or records concerning a victim who is the subject of a review or any person who was in contact with the victim to provide the Committee with any information or records that are relevant to the review. Any information or records provided to the Committee pursuant to this subsection are confidential.

5. The Committee may, if appropriate, meet with any person, agency or organization that the Committee believes may have information relevant to a review conducted by the Committee, including, without limitation, a multidisciplinary team:

(a) To review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) To review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person *or vulnerable person* or the death of an older person *or vulnerable person* that is alleged to be from abuse, neglect, isolation or abandonment organized pursuant to NRS 228.270;

(c) To review the death of a child organized pursuant to NRS 432B.405; or

(d) To oversee the review of the death of a child organized pursuant to NRS 432B.4075.

6. Except as otherwise provided in subsection 7, each member of the Committee is immune from civil or criminal liability for an activity related to the review of the death of a victim conducted pursuant to this section.

7. Each member of the Committee who discloses any confidential information concerning the death of a child is personally liable for a civil penalty of not more than $500.

8. The Attorney General:

(a) May bring an action to recover a civil penalty imposed pursuant to subsection 7 against a member of the Committee; and

(b) Shall deposit any money received from the civil penalty with the State Treasurer for credit to the State General Fund.

9. The results of a review of the death of a victim conducted pursuant to this section are not admissible in any civil action or proceeding.

10. The Committee shall submit a report of its activities pursuant to this section to the Attorney General. The report must include, without limitation, the findings and recommendations of the Committee. The report must not include information that identifies any person involved in a particular case under review. The Attorney General shall make the report available to the public.

11. Any meeting of the Committee held to review the death of a victim pursuant to this section, or any portion of a meeting of the Committee during which the Committee reviews such a death, is not subject to the provisions of chapter 241 of NRS.

Sec. 24. 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.

(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.

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 ~~[,]~~ *or vulnerable persons;* and

(d) May require that training be carried on at institutions which it approves in those regulations.

Sec. 25. NRS 388.880 is hereby amended to read as follows:

388.880 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, ~~[200.50935,]~~ 392.303 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100 or 391.281;

(2) The governing body of a charter school; or

(3) The Achievement School District.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 26. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his or her professional or occupational capacity and is required to make a report pursuant to NRS 200.5093, ~~[200.50935,]~~ 392.303 or 432B.220.

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

(1) An owner of a private school.

(2) A director of a private school.

(3) A supervisor at a private school.

(4) An administrator at a private school.

(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 27. NRS 640B.700 is hereby amended to read as follows:

640B.700 1. The Board may refuse to issue a license to an applicant or may take disciplinary action against a licensee if, after notice and a hearing as required by law, the Board determines that the applicant or licensee:

(a) Has submitted false or misleading information to the Board or any agency of this State, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

(c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;

(d) Is addicted to alcohol or any controlled substance;

(e) Has violated the provisions of NRS 200.5093 ~~[, 200.50935]~~ or 432B.220;

(f) Is guilty of gross negligence in his or her practice as an athletic trainer;

(g) Is not competent to engage in the practice of athletic training;

(h) Has failed to provide information requested by the Board within 60 days after receiving the request;

(i) Has engaged in unethical or unprofessional conduct as it relates to the practice of athletic training;

(j) Has been disciplined in another state, a territory or possession of the United States, or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

(k) Has solicited or received compensation for services that he or she did not provide;

(l) If the licensee is on probation, has violated the terms of the probation;

(m) Has terminated professional services to a client in a manner that detrimentally affected that client; or

(n) Has operated a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing as required by law:

(a) Refuse to issue a license to the applicant;

(b) Refuse to renew or restore the license of the licensee;

(c) Suspend or revoke the license of the licensee;

(d) Place the licensee on probation;

(e) Impose an administrative fine of not more than $5,000;

(f) Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.

3. The Board shall not issue a private reprimand to a licensee.

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

Sec. 28. NRS 657.290 is hereby amended to read as follows:

657.290 1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. ~~[If an officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~6.~~ In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 29. NRS 673.807 is hereby amended to read as follows:

673.807 1. Each savings bank shall designate a person or persons to whom a director, officer or employee of the savings bank must report known or suspected exploitation of an older person or vulnerable person.

2. If a director, officer or employee reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. ~~[If a director, officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~6.~~] In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* A director, officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 30. NRS 677.707 is hereby amended to read as follows:

677.707 1. Each licensee shall designate a person or persons to whom an officer or employee of the licensee must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency,

the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. ~~[If an officer or employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~6.]~~ In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* An officer, employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

Sec. 31. NRS 678.779 is hereby amended to read as follows:

678.779 1. Each credit union shall designate a person or persons to whom an employee of the credit union must report known or suspected exploitation of an older person or vulnerable person.

2. If an employee reports known or suspected exploitation of an older person *or vulnerable person* to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person *or vulnerable person* has been exploited, the designated reporter shall:

(a) Except as otherwise provided in subsection 3, report the known or suspected exploitation of the older person *or vulnerable person* to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation of the older person *or vulnerable person* involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. ~~[If an employee reports known or suspected exploitation of a vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that a vulnerable person has been exploited, the designated reporter shall:~~

~~(a) Except as otherwise provided in subsection 5, report the known or suspected exploitation of the vulnerable person to a law enforcement agency; and~~

~~(b) Make such a report as soon as reasonably practicable.~~

~~5. If the designated reporter knows or has reasonable cause to believe that the exploitation of the vulnerable person involves an act or omission of a law enforcement agency, the designated reporter shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.~~

~~6.]~~ In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

~~[7.]~~ *5.* An employee and the designated reporter are entitled to the immunity from liability set forth in NRS 200.5096 for making a report in good faith.

*Sec. 32.* Section 3 of Senate Bill 223 of this session is hereby amended to read as follows:

Sec. 3. NRS 162A.620 is hereby amended to read as follows:

162A.620 A document substantially in the following form may be used to create a statutory form power of attorney that has the meaning and effect prescribed by NRS 162A.200 to 162A.660, inclusive:

STATUTORY FORM POWER OF ATTORNEY

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR FINANCIAL MATTERS. BEFORE EXECUTING THIS

DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR AGENT THE POWER TO MAKE DECISIONS CONCERNING YOUR PROPERTY FOR YOU. YOUR AGENT WILL BE ABLE TO MAKE DECISIONS AND ACT WITH RESPECT TO YOUR PROPERTY (INCLUDING YOUR MONEY) WHETHER OR NOT YOU ARE ABLE TO ACT FOR YOURSELF.

2. THIS POWER OF ATTORNEY BECOMES EFFECTIVE IMMEDIATELY UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

3. THIS POWER OF ATTORNEY DOES NOT AUTHORIZE THE AGENT TO MAKE HEALTH CARE DECISIONS FOR YOU.

4. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.

5. YOU SHOULD SELECT SOMEONE YOU TRUST TO SERVE AS YOUR AGENT. UNLESS YOU SPECIFY OTHERWISE, GENERALLY THE AGENT'S AUTHORITY WILL CONTINUE UNTIL YOU DIE OR REVOKE THE POWER OF ATTORNEY OR THE AGENT RESIGNS OR IS UNABLE TO ACT FOR YOU.

6. YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION UNLESS YOU STATE OTHERWISE IN THE SPECIAL INSTRUCTIONS.

7. THIS FORM PROVIDES FOR DESIGNATION OF ONE AGENT. IF YOU WISH TO NAME MORE THAN ONE AGENT YOU MAY NAME A CO-AGENT IN THE SPECIAL INSTRUCTIONS. CO-AGENTS ARE NOT REQUIRED TO ACT TOGETHER UNLESS YOU INCLUDE THAT REQUIREMENT IN THE SPECIAL INSTRUCTIONS.

8. IF YOUR AGENT IS UNABLE OR UNWILLING TO ACT FOR YOU, YOUR POWER OF ATTORNEY WILL END UNLESS YOU HAVE NAMED A SUCCESSOR AGENT. YOU MAY ALSO NAME A SECOND SUCCESSOR AGENT.

9. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT.

10. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY.

11. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN IT TO YOU.

1. DESIGNATION OF AGENT.

I, ..... (insert your name) do hereby designate and appoint:

Name: .....

Address: .....

Telephone Number: .....

as my agent to make decisions for me and in my name, place and stead and for my use and benefit and to exercise the powers as authorized in this document.

2. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same decisions as the agent designated above in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If my agent is unable or unwilling to act for me, then I designate the following person(s) to serve as my agent as authorized in this document, such person(s) to serve in the order listed below:

A. First Alternative Agent

Name: .....

Address: .....

Telephone Number: .....

B. Second Alternative Agent

Name: .....

Address: .....

Telephone Number: .....

3. OTHER POWERS OF ATTORNEY.

This Power of Attorney is intended to, and does, revoke any prior Power of Attorney for financial matters I have previously executed.

4. NOMINATION OF GUARDIAN.

If, after execution of this Power of Attorney, proceedings seeking an adjudication of incapacity are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

5. GRANT OF GENERAL AUTHORITY.

I grant my agent and any successor agent(s) general authority to act for me with respect to the following subjects:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

[...] Real Property
[...] Tangible Personal Property
[...] Stocks and Bonds
[...] Commodities and Options
[...] Banks and Other Financial Institutions
[...] Safe Deposit Boxes
[...] Operation of Entity or Business
[...] Insurance and Annuities
[...] Estates, Trusts and Other Beneficial Interests
[...] Legal Affairs, Claims and Litigation
[...] Personal Maintenance
[...] Benefits from Governmental Programs or Civil or Military Service
[...] Retirement Plans
[...] Taxes
[...] All Preceding Subjects

6. GRANT OF SPECIFIC AUTHORITY.

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

[...] Create, amend, revoke or terminate an inter vivos, family, living, irrevocable or revocable trust
[...] Make a gift, subject to the limitations of NRS and any special instructions in this Power of Attorney
[...] Create or change rights of survivorship
[...] Create or change a beneficiary designation
[...] Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
[...] Exercise fiduciary powers that the principal has authority to delegate
[...] Disclaim or refuse an interest in property, including a power of appointment

~~*[[...] Consent to placement in an assisted living facility as defined in NRS 422.3962*~~

~~*[...] Consent to placement in a facility for skilled nursing as defined in NRS 449.0039*~~

~~*[...] Consent to placement in a secured residential long-term care facility as defined in NRS 159.0255]*~~

7. *EXPRESSION OF INTENT CONCERNING LIVING ARRANGEMENTS.*

*[...] It is my intention to live in my home as long as it is safe and my medical needs can be met. My agent may arrange for a natural person, employee of an agency or provider of community-based services to come into my home to provide care for me. When it is no longer safe for me to live in my home, I authorize my agent to place me in a facility or home that can provide any medical assistance and support in my activities of daily living that I require. Before being placed in such a facility or home, I wish for my agent to discuss and share information concerning the placement with me.*

*[...] It is my intention to live in my home for as long as possible without regard for my medical needs, personal safety or ability to engage in activities of daily living. My agent may arrange for a natural person, an employee of an agency or a provider of community-based services to come into my home and provide care for me. I understand that, before I may be placed in a facility or home other than the home in which I currently reside, a guardian must be appointed for me.*

*[...] I desire for my agent to take the following actions relating to my care:*

.....

*8.* LIMITATION ON AGENT'S AUTHORITY.

An agent that is not my spouse MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

~~[8.]~~ *9.* SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT:

.....

.....

~~[9.]~~ *10.* DURABILITY AND EFFECTIVE DATE. (INITIAL the clause(s) that applies.)

[...] DURABLE. This Power of Attorney shall not be affected by my subsequent disability or incapacity.

[...] SPRINGING POWER. It is my intention and direction that my designated agent, and any person or entity that my designated agent may transact business with on my behalf, may

rely on a written medical opinion issued by a licensed medical doctor stating that I am disabled or incapacitated, and incapable of managing my affairs, and that said medical opinion shall establish whether or not I am under a disability for the purpose of establishing the authority of my designated agent to act in accordance with this Power of Attorney.

[...] I wish to have this Power of Attorney become effective on the following date: ...

[...] I wish to have this Power of Attorney end on the following date: ~~[10.]~~ *11.* THIRD PARTY PROTECTION.

Third parties may rely upon the validity of this Power of Attorney or a copy and the representations of my agent as to all matters relating to any power granted to my agent, and no person or agency who relies upon the representation of my agent, or the authority granted by my agent, shall incur any liability to me or my estate as a result of permitting my agent to exercise any power unless a third party knows or has reason to know this Power of Attorney has terminated or is invalid.

~~[11.]~~ *12.* RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information, by any government agency, business, creditor or third party who may have information pertaining to my assets or income, to my agent named herein.

~~[12.]~~ *13.* SIGNATURE AND ACKNOWLEDGMENT. YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY. THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

I sign my name to this Power of Attorney on ..... (date) at ..... (city), ..... (state)

.....

.....

..... (Signature)

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

(You may use acknowledgment before a notary public instead of the statement of witnesses.)

State of Nevada }

}ss.

County of }

On this ..... day of ....., in the year ..., before me, ..... (here insert name of notary public) personally appeared ..... (here insert name of principal) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and

acknowledged that he or she executed it. ~~[I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.]~~

NOTARY SEAL .....

(Signature of Notary Public)

IMPORTANT INFORMATION FOR AGENT

1. Agent's Duties. When you accept the authority granted under this Power of Attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the Power of Attorney is terminated or revoked. You must:

(a) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;

(b) Act in good faith;

(c) Do nothing beyond the authority granted in this Power of Attorney; and

(d) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:
(Principal's Name) by (Your Signature) as Agent

2. Unless the Special Instructions in this Power of Attorney state otherwise, you must also:

(a) Act loyally for the principal's benefit;

(b) Avoid conflicts that would impair your ability to act in the principal's best interest;

(c) Act with care, competence, and diligence;

(d) Keep a record of all receipts, disbursements and transactions made on behalf of the principal;

(e) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and

(f) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

3. Termination of Agent's Authority. You must stop acting on behalf of the principal if you learn of any event that terminates this Power of Attorney or your authority under this Power of Attorney. Events that terminate a Power of Attorney or your authority to act under a Power of Attorney include:

(a) Death of the principal;

(b) The principal's revocation of the Power of Attorney or your authority;

(c) The occurrence of a termination event stated in the Power of Attorney;

(d) The purpose of the Power of Attorney is fully accomplished; or

(e) If you are married to the principal, your marriage is dissolved.

4. Liability of Agent. The meaning of the authority granted to you is defined in NRS 162A.200 to 162A.660, inclusive. If you violate NRS 162A.200 to 162A.660, inclusive, or act outside the authority granted in this Power of Attorney, you may be liable for any damages caused by your violation.

5. If there is anything about this document or your duties that you do not understand, you should seek legal advice.

~~[Sec. 32.]~~ *Sec. 33.* 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.]~~ *Sec. 34.* NRS 200.50935 ~~[is]~~ and section 2 of Senate Bill No. 223 of the current Legislative Session are hereby repealed.

~~[Sec. 34.]~~ *Sec. 35.* This act becomes effective on July 1, 2019.

TEXT OF REPEALED ~~[SECTION]~~ SECTIONS

200.50935 Report of abuse, neglect, exploitation, isolation or abandonment of vulnerable person; voluntary and mandatory reports; investigation; penalty.

1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Report the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family

therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Section 2 of Senate Bill No. 223 of this session:

Sec. 2. NRS 162A.450 is hereby amended to read as follows:

162A.450 1. An agent under a power of attorney may do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and

exercise of the authority is not otherwise prohibited by another agreement or instrument to which the authority or property is subject:

(a) Create, amend, revoke or terminate an inter vivos trust;

(b) Make a gift;

(c) Create or change rights of survivorship;

(d) Create or change a beneficiary designation;

(e) Delegate authority granted under the power of attorney;

(f) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;

(g) Exercise fiduciary powers that the principal has authority to delegate; or

(h) Disclaim property, including a power of appointment.

2. Notwithstanding a grant of authority to do an act described in subsection 1, unless the power of attorney otherwise provides, an agent that is not a spouse of the principal may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer or otherwise.

3. An agent under a power of attorney may consent to placement of the principal in an assisted living facility, a facility for skilled nursing or a secured residential long-term care facility only if the power of attorney expressly grants the agent that authority.

4. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.3962.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Secured residential long-term care facility" has the meaning ascribed to it in NRS 159.0255.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1114 to Senate Bill No. 540.

Motion carried by a constitutional majority.

Bill ordered enrolled.

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

Motion carried.

Senate in recess at 11:27 p.m.

## SENATE IN SESSION

At 11:38 p.m.

President Marshall presiding.

Quorum present.

REPORTS OF COMMITTEE

*Madam President:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NICOLE J. CANNIZZARO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that all necessary rules be suspended, and that Assembly Bill No. 529 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 496 of the 80th Session be made a Special Order of Business for Monday, June 3, 2019, at 11:45 p.m.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 529.

Bill read third time.

Remarks by Senator Cannizzaro.

Assembly Bill No. 529 makes a relatively simple change. It removes the Nevada Athletic Commission from the Department of Business and Industry and places it within the Office of the Governor. It also contains several provisions regarding the duties of the Executive Director.

Roll call on Assembly Bill No. 529:

YEAS—21.

NAYS—None.

Assembly Bill No. 529 having received a constitutional majority, Madam President declared it passed.

Bill ordered transmitted to the Assembly.

SPECIAL ORDERS OF THE DAY

VETO MESSAGES OF THE GOVERNOR

The hour of 11:45 p.m. having arrived, vetoed Senate Bill No. 496 was considered.

Vetoed Senate Bill No. 496.

Bill read.

Governor's message stating his objections read.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA

June 3, 2019

THE HONORABLE NICOLE CANNIZZARO, Majority Leader of the Nevada State Senate

Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89710

DEAR MAJORITY LEADER CANNIZZARO:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Senate Bill No. 496 (SB 496), which is titled as follows:

> AN ACT relating to limousines; authorizing the holder of a certificate of public convenience and necessity to operate a limousine in certain counties to lease a limousine to an independent contractor; requiring a lease agreement be entered into between such a limousine operator and the independent contractor;

imposing certain duties and responsibilities on such an independent contractor; providing a penalty; and providing other matters properly relating thereto.

SB 496 would enable a legal operator of a limousine, in a county with a population of 700,000 or more, to lease a limousine to an independent contractor to operate the limousine to the extent of the authority provided under law to the original certificate holder. Among the most difficult issues with such a legal construct is the inability to prevent drivers from undertaking cash rides without reporting them or paying taxes on them, which may result in largescale tax evasion by unscrupulous operators who still use the roads, services and community amenities, such as schools, to which other businesses appropriately contribute through fair, honest and transparent taxation.

The independent contractor model is one that certainly has an important place in Nevada's economy. Still, with serious questions concerning appropriate oversight, wage and benefit concerns for contractors in the limousine-leasing space and proper regulation of nonmetered limousines operating under a lease-independent contractor model, it would be imprudent to allow SB 496 to become law now, absent significantly more discussion regarding the unresolved questions such an economic arrangement raises.

For these reasons, and in the best interests of Nevada's workers and their families, I veto this bill and return it without my signature or approval.

Sincerely,

STEVE SISOLAK

*Governor of Nevada*

Senator Ratti moved no further consideration of vetoed Senate Bill No. 496.

Motion carried.

## REMARKS FROM THE FLOOR

Senator Settelmeyer requested that his remarks be entered in the Journal.

I want to take the opportunity to say thanks to someone I am so glad is here with us, even though I am not sure she always wants to be here with us. I would not want to do this job without Claire. I have had the misfortune of doing this job one session with someone else, and it was not a pleasurable experience. You have always been very fair and honest to both sides with your institutional knowledge of this process. The Senate operates much better and in a more bipartisan way than the other house. It is because of her. She steps forward and says "No, you cannot do that." In my opinion, she is our mom, and I appreciate so much that you do that because in the other House that does not happen. I thank you.

## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, June 3, 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. 324.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 82, Amendment No. 1132; Senate Bill No. 528, Amendment No. 1131; Senate Bill No. 543, Amendment No. 1135; Senate Bill No. 557, Amendment No. 1137, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 707 to Assembly Bill No. 219.

Also, I have the honor to inform your honorable body that the Assembly on this day adopted the report of the Conference Committee concerning Senate Bills Nos 7, 151, 203, 403, 463, 480.

CAROL AIELLO-SALA

*Assistant Chief Clerk of the Assembly*

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 82.

The following Assembly amendment was read:

Amendment No. 1132.

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 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 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 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 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 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 7 requires all such money accepted by the Board from public and private sources be deposited in the Endowment Account and section 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.

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. 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. 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. 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]*~~ *7* 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. 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. 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. 9. 1. This section and section 8 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, of this act become effective on July 1, 2019.

Senator Denis moved that the Senate concur in Assembly Amendment No. 1132 to Senate Bill No. 82.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 528.

The following Assembly amendment was read:

Amendment No. 1131.

SUMMARY—Makes appropriations to the Lou Ruvo Center for Brain Health for research, clinical studies, operations and educational programs ~~[.]~~ and to certain public entities for governmental administration. (BDR S-1260)

AN ACT making appropriations to the Lou Ruvo Center for Brain Health for research, clinical studies, operations and educational programs ~~[;]~~ and to certain public entities for governmental administration; 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 Lou Ruvo Center for Brain Health the sum of $2,000,000 for research, clinical studies, operations and educational programs at the Center.

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. 1.5. 1. There is hereby appropriated from the State General Fund to the Lou Ruvo Center for Brain Health for operations and educational programs to restore funding previously received by the Center for this purpose from the University of Nevada, Reno, School of Medicine the following sums:

For the Fiscal Year 2019-2020..... $542,343

For the Fiscal Year 2020-2021..... $542,343

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. 1.7. Upon acceptance of the money appropriated by sections 1 and 1.5 of this act, the Lou Ruvo Center for Brain Health agrees to:

1. Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2020, that describes each expenditure made from the money appropriated by sections 1 and 1.5 of this act from the date on which the money was received by the Lou Ruvo Center for Brain Health through December 1, 2020;

2. Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2021, that describes each expenditure made from the money appropriated by sections 1 and 1.5 of this act from the date on which the money was received by the Lou Ruvo Center for Brain Health through June 30, 2021; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Lou Ruvo Center for Brain Health, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by sections 1 and 1.5 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. 1. There is hereby appropriated from the State General Fund to White Pine County the sum of $5,000,000 to assist with the construction of a new courthouse in White Pine County.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 15, 2023.

*Sec. 4.* 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $649,300 for the costs of computer programming related to legislation approved by the 80th Session of the Nevada Legislature.

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 Highway Fund on or before September 17, 2021.

*Sec. 5.* 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $1,000,000 for allocation to the State Public Works Division of the Department of Administration or other appropriate entity to provide office and related space for state agencies displaced as a result of 19-P01 Advance Planning: Grant Sawyer Office Building Remodel, including, without limitation, through rental, lease, purchase, lease-purchase or acquisition by gift, grant, bequest, devise or otherwise, reconstruction, redesign, improvement, renovation, alteration, remodeling, extension, modernization, rehabilitation, repair, equipment and furnishing. Money appropriated pursuant to this section may only be allocated by the Interim Finance Committee upon:

(a) Submittal by the State Public Works Division or other entity of an analysis demonstrating the need for the money and a plan for the utilization of the money for this purpose.

(b) Determination by the Interim Finance Committee that a need for the allocation exists and the allocation carries out the intent of the Legislature.

2. If applicable, the State Public Works Division of the Department of Administration shall carry out the provisions of this section as provided in chapter 341 of NRS. The Division shall ensure that qualified persons are employed to accomplish the authorized work. Every contract pertaining to the work must be approved by the Attorney General.

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

*Sec. 6.* 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $1,000,000 for allocation to the Office of Grant Procurement, Coordination and Management of the Department of Administration for the pilot program created by section 2 of Assembly Bill No. 489 of this session. Money appropriated pursuant to this subsection can only be allocated by the Interim Finance Committee upon submittal by the Office of Grant Procurement, Coordination and Management of documentation of the creation of a pilot program that meets the requirements of sections 2, 3 and 4 of Assembly Bill No. 489 of this session.

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. 7.* 1. There is hereby appropriated from the State General Fund the sum of $3,111,192 in Fiscal Year 2019-2020 and the sum of $6,464,376 in Fiscal Year 2020-2021 to Nevada Medicaid within the Division of Health Care Financing and Policy of the Department of Health and Human Services for costs related to increasing the acute care per diem reimbursement rates, excluding the per diem rates for neonatal and pediatric intensive care units, by a total of 2.5 percent, effective January 1, 2020, from the reimbursement rate paid by the Division for such services in Fiscal Year 2018-2019.

2. There is hereby appropriated from the State General Fund the sum of $1,386 in Fiscal Year 2019-2020 and the sum of $5,869 in Fiscal Year 2020-2021 to the Nevada Check-Up Program of the Division of Health Care Financing and Policy of the Department of Health and Human Services for costs related to increasing the acute care per diem reimbursement rates, excluding the per diem rates for neonatal and pediatric intensive care units, by a total of 2.5 percent, effective January 1, 2020, from the reimbursement rate paid by the Division for such services in Fiscal Year 2018-2019.

3. The sums appropriated by subsections 1 and 2 are available for both Fiscal Year 2019-2020 and Fiscal Year 2020-2021, and may be transferred from one fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor.

4. Any remaining balance of the appropriations made by subsections 1 and 2 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.

5. There is hereby authorized for expenditure from the money not appropriated from the State General Fund or the State Highway Fund by the Division of Health Care Financing and Policy of the Department of Health and Human Services the sum of $8,150,534 during Fiscal Year 2019-2020 and the sum of $16,335,323 during Fiscal Year 2020-2021 for Nevada Medicaid for costs related to increasing the acute care per diem reimbursement rates, excluding the per diem rates for neonatal and pediatric intensive care units, by a total of 2.5 percent, effective January 1, 2020, from the reimbursement rate paid by the Division for such services in Fiscal Year 2018-2019.

6. There is hereby authorized for expenditure from the money not appropriated from the State General Fund or the State Highway Fund by the Division of Health Care Financing and Policy of the Department of Health and Human Services the sum of $11,553 during Fiscal Year 2019-2020 and the sum of $20,298 during Fiscal Year 2020-2021 for the Nevada Check-Up Program for costs related to increasing the acute care per diem reimbursement rates, excluding the per diem rates for neonatal and pediatric intensive care units, by a total of 2.5 percent, effective January 1, 2020, from the reimbursement rate paid by the Division for such services in Fiscal Year 2018-2019.

*Sec. 8.* 1. There is hereby appropriated from the State General Fund to the State Public Works Division of the Department of Administration the sum of $20,000,000 to support the Division in carrying out the project numbered or otherwise described as Project 19-C30, Construction of a UNLV College of Engineering, Academic and Research Building.

2. Expenditure of the following sum not appropriated from the State General Fund or the State Highway Fund is hereby authorized for the following project numbered or otherwise described as Project 19-C30, Construction of a UNLV College of Engineering, Academic and Research Building in the amount of $20,000,000.

3. The State Public Works Division of the Department of Administration shall not execute a contract for construction of the project numbered or otherwise described in subsections 1 and 2 until the Division has determined that the funding authorized in subsection 2 for the project has been secured or received and is available for expenditure for the project.

4. The State Public Works Division of the Department of Administration shall carry out the provisions of this section as provided in chapter 341 of NRS.

The Division shall ensure that qualified persons are employed to accomplish the authorized work. Every contract pertaining to the work must be approved by the Attorney General.

5. All state and local governmental agencies involved in the design and construction of the project numbered or otherwise described in subsections 1 and 2 shall cooperate with the State Public Works Division of the Department of Administration to expedite completion of the project.

6. It is the intent of the Legislature that the amounts authorized for the project numbered or otherwise described in subsections 1 and 2 must be expended before the amounts appropriated for the project numbered or otherwise described in subsections 1 and 2.

7. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 15, 2023.

*Sec. 9.* 1. There is hereby appropriated from the State General Fund to the State Public Works Division of the Department of Administration the sum of $458,193 to support the Division in carrying out the project numbered or otherwise described as Project 19-P70, Planning, Great Basin College Welding Lab Expansion.

2. Expenditure of the following sum not appropriated from the State General Fund or the State Highway Fund is hereby authorized for the following project numbered or otherwise described as Project 19-P70, Planning, Great Basin College Welding Lab Expansion in the amount of $35,000.

3. The State Public Works Division of the Department of Administration shall not execute a contract for the planning of the project numbered or otherwise described in subsections 1 and 2 until the Division has determined that the funding authorized in subsection 2 for the project has been secured or received and is available for expenditure for the project.

4. The State Public Works Division of the Department of Administration shall carry out the provisions of this section as provided in chapter 341 of NRS. The Division shall ensure that qualified persons are employed to accomplish the authorized work. Every contract pertaining to the work must be approved by the Attorney General.

5. All state and local governmental agencies involved in the design of the project numbered or otherwise described in subsections 1 and 2 shall cooperate with the State Public Works Division of the Department of Administration to expedite completion of the project.

6. It is the intent of the Legislature that the amounts authorized for the project numbered or otherwise described in subsections 1 and 2 must be

expended before the amounts appropriated for the project numbered or otherwise described in subsections 1 and 2.

7. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 15, 2023.

*Sec. 10.* 1. There is hereby appropriated from the State General Fund to the State Public Works Division of the Department of Administration the sum of $105,000 to support the Division in carrying out the project numbered or otherwise described as Project 19-P71, Planning, Western Nevada College Marlette Hall Refurbishment.

2. The State Public Works Division of the Department of Administration shall carry out the provisions of this section as provided in chapter 341 of NRS. The Division shall ensure that qualified persons are employed to accomplish the authorized work. Every contract pertaining to the work must be approved by the Attorney General.

3. All state and local governmental agencies involved in the design of the project numbered or otherwise described in subsection 1 shall cooperate with the State Public Works Division of the Department of Administration to expedite completion of the project.

4. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 15, 2023.

*Sec. 11.* 1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:

For the Fiscal Year 2019-2020..... $1,358,455

For the Fiscal Year 2020-2021..... $1,358,455

2. The Department of Education shall transfer money from the appropriation made by subsection 1 to school districts and charter schools for block grants for contract or employee social workers or other licensed mental health workers in schools with identified needs. The money must not be used for administrative expenditures of the Department of Education.

3. For purposes of the allocations of sums for the block grant program described in subsection 2, eligible licensed social workers or other mental health workers include the following:

(a) Licensed clinical social worker;

(b) Social worker;

(c) Social worker intern with supervision;

(d) Clinical psychologist;

(e) Psychologist intern with supervision;

(f) Marriage and family therapist;

(g) Mental health counselor;

(h) Community health worker;

(i) School-based health centers; and

(j) Licensed nurse.

4. The money appropriated by subsection 1 must be expended in accordance with NRS 353.150 to 353.246, inclusive, concerning the allotment, transfer, work program and budget. Transfers to and allotments from must be allowed and made in accordance with NRS 353.215 to 353.225, inclusive, after separate consideration of the merits of each request.

5. Any remaining balance of the sums transferred by subsection 2 for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 must not be committed for expenditure after June 30 of each fiscal year and must be reverted to the State General Fund on or before September 18, 2020, and September 17, 2021, for each fiscal year respectively.

*Sec. 12.* 1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:

For the Fiscal Year 2019-2020..... $2,750,000

For the Fiscal Year 2020-2021..... $2,750,000

2. The Department of Education shall transfer money from the appropriation made by subsection 1 to provide grants to public schools to employ and equip school resource officers or school police officers in schools with identified needs on the basis of data relating to school discipline, violence, climate and vulnerability and the ability of the public school to hire school resource officers or school police officers. The money must not be used for administrative expenditures of the Department of Education.

3. The money transferred pursuant to subsection 2:

(a) Must be accounted for separately from any other money received by the school districts and charter schools of this State and used only for the purposes specified in subsection 2.

(b) 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.

(c) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.

4. Any remaining balance of the appropriation made by subsection 1 for Fiscal Year 2019-2020 must be transferred and added to the money appropriated for Fiscal Year 2020-2021 and may be expended as that money is expended.

5. Any remaining balance of the appropriation made by subsection 1 for Fiscal Year 2020-2021, including any money added thereto pursuant to the

provisions of subsection 4, must not be committed for expenditure after June 30, 2021, and must be reverted to the State General Fund on or before September 17, 2021.

*Sec. 13.* 1. There is hereby appropriated from the State General Fund to the School Safety Account the following sums:

For the Fiscal Year 2019-2020..... $2,350,000

For the Fiscal Year 2020-2021..... $2,350,000

2. The money appropriated by subsection 1 must be used by the Department of Education to support the implementation of a program of social, emotional and academic development throughout the public schools in this State, including, without limitation, the development and implementation of a strategic plan to carry out full implementation of such programs within 5 years.

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. 14.* 1. There is hereby appropriated from the State General Fund to the Nevada Blind Children's Foundation the sum of $1,000,000 for children to attend afterschool programs offered by the Nevada Blind Children's Foundation.

2. Upon acceptance of the money appropriated by subsection 1, the Nevada Blind Children's Foundation agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 18, 2020, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Blind Children's Foundation through December 1, 2020;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 17, 2021, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the Nevada Blind Children's Foundation through June 30, 2021; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the Nevada Blind Children's Foundation, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

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

*Sec. 15.* 1. This section and sections 1 ~~[and]~~ , 1.7 , *3, 4, 5 and 7 to 10, inclusive,* of this act become effective upon passage and approval.

2. ~~[Section]~~ Sections 1.5 and sections 11 to 14, inclusive, of this act ~~[becomes]~~ become effective on July 1, 2019.

3. Section 6 of this act becomes effective on the date on which sections 1 to 5, inclusive, of Assembly Bill No. 489 of this session become effective, if and only if, Assembly Bill No. 489 of this session is enacted by the Legislature and approved by the Governor.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1131 to Senate Bill No. 528.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 543.

The following Assembly amendment was read:

Amendment No. 1135.

SUMMARY—Revises provisions relating to the funding of public schools. (BDR 34-1263)

AN ACT relating to education; creating the State Education Fund; revising the method for determining the amount of and distributing money to support the operation of the public schools in this State; establishing certain requirements for the accounting and use of such money; establishing requirements for the establishment of budgetary estimates relating to the public schools in this State; creating the Commission on School Funding and establishing its duties; establishing provisions relating to reports of expenditures by public schools; directing certain revenues to be deposited in the State Education Fund; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law declares that "the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity" and establishes the Nevada Plan as a formula for distribution of state financial aid to the public schools in this State to accomplish that objective. (NRS 387.121) As part of the Nevada Plan, the Legislature establishes, during each legislative session and for each school year of the biennium, an estimated statewide average basic support guarantee per pupil. (NRS 387.122) This is the per pupil amount that is "guaranteed" on a statewide

basis through a combination of state money and certain local revenues, supplemented by other local revenues which are not "guaranteed" by the state. The basic support guarantee for each school district is computed by multiplying the basic support guarantee per pupil that is established by law for the school district for each school year by pupil enrollment. (NRS 387.121-387.1223) In addition to the basic support guarantee per pupil, state financial aid to public education is provided through various programs, commonly known as "categorical funding," that target specific purposes or populations of pupils for additional support. Such programs include, without limitation, the Account for the New Nevada Education Funding Plan, Zoom schools and Victory schools. (NRS 387.129-387.139; section 1 of chapter 544, Statutes of Nevada 2017, p. 3768; section 2 of chapter 389, Statutes of Nevada 2015, p. 2199)

Beginning with the 2021-2023 biennium, this bill generally replaces the Nevada Plan with the Pupil-Centered Funding Plan, which combines money raised pursuant to state law at the local level with state money to provide a certain basic level of support to each pupil in this State which is adjusted: (1) to account for variation in the local costs to provide a reasonably equal educational opportunity to pupils; and (2) for the costs of providing a reasonably equal educational opportunity to pupils with certain additional educational needs. Section 15 of this bill designates the plan created by this bill as the Pupil-Centered Funding Plan and expresses the intent of the Legislature regarding its creation. Specifically, section 2 of this bill creates the State Education Fund and identifies numerous sources of revenues to be deposited into the Fund, in addition to direct legislative appropriations from the State General Fund. Section 2 also authorizes the Superintendent of Public Instruction to create one or more accounts in the State Education Fund for the purpose of administering money received from the Federal Government. Section 3 of this bill creates the Education Stabilization Account in the State Education Fund and provides for the funding of the Account and the use of the money in the Account. Sections 13, 26, 27, 49, 51, 52, 59-61, 64 and 66-73 of this bill direct certain sources of revenues to the State Education Fund. Sections 17, 19, 22-25, 31-35, 37-42, 45, 47, 48, 50, 53-56, 62, 63 and 65 of this bill make conforming changes for the direction of such sources of revenues to the State Education Fund and the replacement of the State Distributive School Account with the State Education Fund.

Section 4 of this bill requires the Legislature, after making a direct legislative appropriation to the State Education Fund, to determine the statewide base per pupil funding amount for each fiscal year of the biennium. Section 4 expresses the intent of the Legislature that the statewide base per pupil funding amount should , to the extent practicable, increase each year by not less than inflation. Section 4 requires the Legislature to appropriate the whole of the State Education Fund, less the money in the Education Stabilization Account or any account created by the Superintendent to receive federal money, to fund, in an amount determined to be sufficient by the

Legislature: (1) the operation of the State Board of Education, the Superintendent of Public Instruction and the Department of Education; (2) the food service, transportation and similar services of the school districts; (3) the operation of each school district for all pupils generally through adjusted base per pupil funding for each pupil enrolled in the school district; (4) the operation of each charter school and university school for profoundly gifted pupils for all pupils generally through a statewide base per pupil funding amount for each pupil enrolled in such a school, with an adjustment for certain schools; and (5) the additional educational needs of English learners, at-risk pupils, pupils with disabilities and gifted and talented pupils through additional weighted funding for each such pupil. Section 4 specifies that additional weighted funding be expressed as a multiplier to be applied to the statewide base per pupil funding amount and that a pupil who belongs to more than one category receive only the additional weighted funding for the single category with the highest multiplier. Section 4 generally prohibits the use of additional weighted funding for collective bargaining. Section 58 of this bill generally prohibits the use of a school district's ending fund balance for collective bargaining.

The Nevada Constitution requires that the revenue from a tax upon the net proceeds of all minerals be appropriated to each county and apportioned among the respective governmental units within the county, including the school district. (Nev. Const. Art. 10, § 5) Sections 2 and 61 of this bill require the proceeds of such a tax that are apportioned to each school district to be deposited to the credit of the State Education Fund. Section 4 deems such money to be the first money appropriated as part of the adjusted base per pupil funding and weighted funding to the county school district from which the money originated. To the extent that money exceeds the adjusted base per pupil funding and weighted funding for the county school district to which it was apportioned, paragraph (b) of subsection 6 of section 4 of this bill requires the excess to be transferred to the county school district from which the money originated ~~[, section 4 also]~~ and authorizes the expenditure of that money as a continuing appropriation. Section 4 also specifies that the purposes for which the money may be used include mitigating the adverse effects of the cyclical nature of the mining industry on the school district. These effects include, without limitation, significant and rapid changes in the number of pupils enrolled in the school district which are a unique impediment to pupils receiving a reasonably equal educational opportunity in the counties in which the mining industry is pervasive and cannot be reasonably addressed in a uniform statewide funding plan.

Sections 5-7 of this bill establish certain factors which are applied to the statewide base per pupil funding amount to create the adjusted base per pupil funding for each school district and certain charter schools and university schools for profoundly gifted pupils. Specifically, section 5 of this bill establishes a cost adjustment factor by which the statewide base per pupil funding amount is adjusted for each school district and certain charter schools and university schools for profoundly gifted pupils to account for variation

between the counties in the cost of living and the cost of labor. Section 6 of this bill establishes an adjustment for each necessarily small school in a school district to account for the increased cost to operate certain schools which must necessarily be smaller than the school could be most efficiently operated. Section 7 of this bill establishes a small district equity adjustment by which the statewide base per pupil funding amount is adjusted for each school district to account for the increased cost per pupil to operate a school district in which relatively fewer pupils are enrolled. Sections 5-7 ~~[authorize]~~ require the ~~[Commission on School Funding]~~ Department of Education to ~~[revise]~~ review and determine whether revisions are necessary to the method by which these adjustments are calculated in certain circumstances.

Section 8 of this bill requires each school district to account separately for the adjusted base per pupil funding received by the school district and deduct an amount of not more than the amount prescribed by the ~~[Commission on School Funding]~~ Department by regulation of the adjusted base per pupil funding for the administrative expenses of the school district. Section 8 requires the remainder of the adjusted base per pupil funding to be distributed to the public schools in the school district in a manner that ensures each pupil in the school district receives a reasonably equal educational opportunity. Similarly, section 8 requires each school district to account separately for all weighted funding received by the school district. Section 8 requires all weighted funding to be distributed directly to each school in which the relevant pupils are enrolled. Section 8 also: (1) requires each public school to account separately for the adjusted base per pupil funding and each category of weighted funding the school receives; (2) requires weighted funding to be used for each relevant pupil to supplement the adjusted base per pupil funding for the pupil and provide such educational programs, services or support as are necessary to provide the pupil a reasonably equal educational opportunity; and (3) limits the use of weighted funding for at-risk pupils and English learners to certain services. Section 8 additionally contains certain provisions relating to the separate accounting of money for pupils with disabilities and gifted and talented pupils which are moved into this section from a separate provision of existing law. Sections 14, 16, 18, 20, 21, 28-30, 36, 43, 44, 46, 57, 74 and 80 of this bill make conforming changes.

Section 9 of this bill generally requires the Governor, when preparing the proposed executive budget ~~[,]~~ and to the extent practicable, to reserve an amount of money in the State General Fund for transfer to the State Education Fund which is sufficient to fully fund certain increases in the amount of money in the State Education Fund if the Economic Forum projects an increase in state revenue in the upcoming biennium. If the Economic Forum projects a decrease in state revenue, section 9 requires the Governor to reserve an amount of money in the State General Fund sufficient to ensure that the amount of money transferred from the State General Fund to the State Education Fund does not decrease by a greater percentage than the projected decline in state revenues. Section 9 requires the Governor to include in the proposed executive

budget recommendations for the statewide base per pupil funding amount and the multiplier for each category of pupils. Section 9 requires the Governor to consider the recommendations of the Commission on School Funding for an optimal level of school funding and authorizes the Governor to reserve an additional amount of money for transfer to the State Education Fund to fund any such recommendation. Section 9 authorizes the Governor, as part of the proposed executive budget, to recommend revisions to education funding or additional education funding . ~~[, but requires the proposed executive budget to include a minimum amount of total funding for the State Education Fund based on the projections of the Economic Forum for the upcoming biennium.]~~ Finally, section 9 authorizes the Governor to include in the proposed executive budget a recommendation for such funding for the public schools in this State as the Governor determines to be appropriate if the Governor determines that preparing a proposed executive budget as described in section 9 would be impracticable. If the Governor includes such a recommendation, the Governor must also recommend appropriate legislation to improve the method for determining funding for the public schools in this State.

Section 10 of this bill creates the Commission on School Funding and prescribes its membership. Section 11 of this bill prescribes the duties of the Commission. Section 76 of this bill requires the Commission to project the distribution of education funding for the 2019-2021 biennium as if the Pupil-Centered Funding Plan were in effect ~~[,]~~ and compare that projection to the projected distribution of education funding for the 2019-2021 biennium under existing law . ~~[, and]~~ Section 76 additionally requires each school district to project its budget for the 2019-2021 biennium as if the Pupil-Centered Funding Plan were in effect, compare that projection to its projected budget for the 2019-2021 biennium under existing law and submit both budgets to the Commission. Finally, section 76 requires the Commission to make recommendations for the implementation of the Pupil-Centered Funding Plan to the Governor and Legislature.

Section 12 of this bill establishes certain reporting requirements for the Department of Education and for each school district and public school relating to educational expenditures. Section 74.5 of this bill makes an appropriation for the costs of implementing this bill.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.*

*2. Money which must be deposited for credit to the State Education Fund includes, without limitation:*

*(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;*

*(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;*

*(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;*

*(d) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;*

*(e) The money identified in subsection 1 of NRS 328.450;*

*(f) The money identified in subsection 1 of NRS 328.460;*

*(g) The money identified in paragraph (a) of subsection 2 of NRS 360.850;*

*(h) The money identified in paragraph (a) of subsection 2 of NRS 360.855;*

*(i) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;*

*(j) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 3 of NRS 372A.290;*

*(k) The proceeds of the tax imposed pursuant to subsection 2 of NRS 372A.290;*

*(l) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;*

*(m) The money identified in paragraph (b) of subsection 3 of NRS 453A.344;*

*(n) The money identified in NRS 453D.510;*

*(o) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;*

*(p) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;*

*(q) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;*

*(r) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;*

*(s) The portion of the net profits of the grantee of a franchise identified in NRS 709.270; and*

*(t) The direct legislative appropriation from the State General Fund required by subsection 3.*

*3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the*

*population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.*

*4. Money in the Fund must be paid out on claims as other claims against the State are paid.*

*5. The Superintendent of Public Instruction may create one or more accounts in the State Education Fund for the purpose of administering any money received from the Federal Government for the support of education and any State money required to be administered separately to satisfy any requirement imposed by the Federal Government. The money in any such account must not be considered when calculating the statewide base per pupil funding amount or appropriating money from the State Education Fund pursuant to section 4 of this act. The interest and income earned on the money in any such account, after deducting any applicable charges, must be credited to the account.*

Sec. 3. *1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the actual ending fund balance of the county school district fund exceeds 16.6 percent of the total actual expenditures for the fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.*

*2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.*

*3. The balance in the Educational Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of section 2 of this act, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred to the State Education Fund.*

*4. If the Interim Finance Committee finds that the collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund, the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.*

*5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account or any account*

*created pursuant to subsection 5 of section 2 of this act, that has not been committed for expenditure on or before June 30 of each fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.*

Sec. 4. *1. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to section 2 of this act, the Legislature shall determine the statewide base per pupil funding amount for each fiscal year of the biennium, which is the amount of money expressed on a per pupil basis for the projected enrollment of the public schools in this State, determined to be sufficient by the Legislature to fund the costs of all public schools in this State to operate and provide general education to all pupils for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) or (e) of subsection 2. It is the intent of the Legislature that the statewide base per pupil funding amount for any fiscal year , to the extent practicable, be not less than the statewide base per pupil funding amount for the immediately preceding fiscal year, adjusted by inflation, unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of section 2 of this act, decreases from the preceding fiscal year. If the amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of section 2 of this act, decreases from the preceding fiscal year, it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph (e) of subsection 2.*

*2. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to section 2 of this act, the money in the State Education Fund, excluding any amount of money in the Education Stabilization Account or in any account established pursuant to subsection 5 of section 2 of this act, must be appropriated as established by law for each fiscal year of the biennium for the following purposes:*

*(a) To the Department, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to fund the operation of the State Board, the Superintendent of Public Instruction and the Department, including, without limitation, the statewide administration and oversight of the public schools and any educational programs administered by this State.*

*(b) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide food services and transportation for pupils and any other similar service that the Legislature deems appropriate.*

*(c) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this*

*purpose, to provide adjusted base per pupil funding for each pupil estimated to be enrolled in the school district.*

*(d) To each charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide:*

*(1) The statewide base per pupil funding amount for each pupil estimated to be enrolled full-time in a program of distance education provided by the charter school or university school for profoundly gifted pupils; and*

*(2) Adjusted base per pupil funding for each pupil estimated to be enrolled in the charter school or university school for profoundly gifted pupils other than a pupil identified in subparagraph (1).*

*(e) To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide additional weighted funding for each pupil estimated to be enrolled in the school district, charter school or university school for profoundly gifted pupils who is:*

*(1) An English learner;*

*(2) An at-risk pupil;*

*(3) A pupil with a disability; or*

*(4) A gifted and talented pupil.*

*3. The adjusted base per pupil funding appropriated pursuant to paragraph (c) of subsection 2 for each school district must be determined by applying the cost adjustment factor established pursuant to section 5 of this act which applies to the school district, the adjustment for necessarily small schools established pursuant to section 6 of this act which applies to the school district and the small district equity adjustment established pursuant to section 7 of this act which applies to the school district to the statewide base per pupil funding amount.*

*4. The adjusted base per pupil funding appropriated pursuant to subparagraph (2) of paragraph (d) of subsection 2 for each charter school or university school for profoundly gifted pupils must be determined by applying the cost adjustment factor established pursuant to section 5 of this act which applies to the charter school or university school to the statewide base per pupil funding amount.*

*5. The weighted funding appropriated pursuant to paragraph (e) of subsection 2 must be established separately for each category of pupils identified in that paragraph and expressed as a multiplier to be applied to the statewide base per pupil funding amount determined pursuant to subsection 1. A pupil who belongs to more than one category of pupils must receive only the weighted funding for the single category to which the pupil belongs which has the largest multiplier. It is the intent of the Legislature that* ~~[:]~~ *, to the extent practicable:*

*(a) The multiplier for each category of pupils for any fiscal year be not less than the multiplier for the immediately preceding fiscal year unless:*

*(1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of section 2 of this act, decreases from the preceding fiscal year, in which event it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph (e) of subsection 2; or*

*(2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of section 2 of this act, increases from the preceding fiscal year but in an amount which, after funding the appropriations required by paragraphs (a) to (d), inclusive, of subsection 2, is insufficient to fund the multiplier for each category of pupils, in which event it is the intent of the Legislature that the remaining money in the State Education Fund be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year;*

*(b) The recommendations of the Commission for the multiplier for each category of pupils be considered and the multiplier for one category of pupils may be changed by an amount that is not proportional to the change in the multiplier for one or more other categories of pupils if the Legislature determines that a disproportionate need to serve the pupils in the affected category exists; and*

*(c) If the multipliers for all categories of pupils in a fiscal year are increased from the multipliers in the immediately preceding fiscal year, a proportional increase is considered for the statewide base per pupil funding amount.*

*6. For any money identified in subsection 4 of NRS 362.170 which is deposited to the credit of the State Education Fund:*

*(a) The amount of such money for the county from which the money was collected that does not exceed the total amount of money appropriated pursuant to subsection 2 to the county school district is deemed to be the first money appropriated pursuant to subsection 2 for that county school district.*

*(b) The amount of such money for the county from which the money was collected which exceeds the total amount of money appropriated pursuant to subsection 2 to the county school district must be transferred to the county school district and is hereby authorized for expenditure as a continuing appropriation for the purpose of mitigating the adverse effects of the cyclical nature of the industry of extracting and processing minerals on the ability of the county school district to offer its pupils a reasonably equal educational opportunity.*

*7. The weighted funding appropriated pursuant to paragraph (e) of subsection 2:*

*(a) 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*

*(b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.*

Sec. 5. *1. To account for variation between the counties of this State in the cost of living and the cost of labor, the ~~[Commission]~~ Department shall establish by regulation cost adjustment factors for the school district located in, and each charter school that provides classroom-based instruction in, each county of this State.*

*2. Not later than May 1 of each even-numbered year, the ~~[Commission]~~ Department shall review and ~~[, if necessary, revise]~~ determine whether revisions are necessary to the cost adjustment factors for the school district located in each county of this State . ~~[and]~~ The Department shall present the review and any revisions at a meeting of the Legislative Committee on Education for consideration and recommendations by the Committee. After the meeting, the ~~[Commission]~~ Department shall consider any recommendations of the Legislative Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the cost adjustment factors. The ~~[Commission]~~ Department shall submit any revision to the cost adjustment factors to each school district , ~~[and]~~ the ~~[:~~*

*~~(a)]~~ Governor ~~[for inclusion in the proposed executive budget.~~*

*~~(b)]~~ and the Director of the Legislative Counsel Bureau . ~~[for transmission to the next regular session of the Legislature.]~~*

Sec. 6. *1. To account for the increased cost to a school district to operate a public school for a small number of pupils which may be necessary in certain circumstances, the ~~[Commission]~~ Department shall establish by regulation a method to calculate an adjustment for each necessarily small school.*

*2. Not later than May 1 of each even-numbered year, the ~~[Commission]~~ Department shall review and ~~[, if necessary, revise]~~ determine whether revisions are necessary to the method for determining the adjustment for each necessarily small school . ~~[and]~~ The Department shall present the review and any revisions at a meeting of the Legislative Committee on Education for consideration and recommendations by the Committee. After the meeting, the ~~[Commission]~~ Department shall consider any recommendations of the Legislative Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the method. The ~~[Commission]~~ Department shall submit any revision to the method to each school district , ~~[and]~~ the ~~[:~~*

*~~(a)]~~ Governor ~~[for inclusion in the proposed executive budget.~~*

*~~(b)]~~ and the Director of the Legislative Counsel Bureau . ~~[for transmission to the next regular session of the Legislature.]~~*

Sec. 7. *1. To account for the increased cost per pupil to operate a school district in which relatively fewer pupils are enrolled, the ~~[Commission]~~ Department shall establish by regulation a small district equity adjustment.*

*2. Not later than May 1 of each even-numbered year, the ~~[Commission]~~ Department shall review and ~~[, if necessary, revise]~~ determine whether revisions are necessary to the method for calculating the small district equity adjustment . ~~[and]~~ The Department shall present the review and any revisions at a meeting of the Legislative Committee on Education for consideration and recommendations by the Committee. After the meeting, the ~~[Commission]~~ Department shall consider any recommendations of the Legislative Committee on Education, determine whether to include those recommendations and adopt by regulation any revision to the method. The ~~[Commission]~~ Department shall submit any revision to the method to each school district , ~~[and]~~ the ~~[:~~*

*~~(a)]~~ Governor ~~[for inclusion in the proposed executive budget.~~*

*~~(b)]~~ and the Director of the Legislative Counsel Bureau . ~~[for transmission to the next regular session of the Legislature.]~~*

Sec. 8. *1. Except as otherwise provided in subsection 2, each school district shall ensure that all adjusted base per pupil funding received by the school district pursuant to paragraph (c) of subsection 2 of section 4 of this act is accounted for separately and, after a deduction for the administrative expenses of the school district in an amount which does not exceed the amount prescribed by the ~~[Commission]~~ Department by regulation for each school district. Any money received by a school district to support a necessarily small school, as determined pursuant to section 6 of this act, must be distributed to such schools. The adjusted base per pupil funding provided to each school district must:*

*(a) Be distributed by each school district to its public schools in a manner that ensures each pupil in the school district receives a reasonably equal educational opportunity.*

*(b) Be used to support the educational needs of all pupils in the school district, including, without limitation, operating each public school in the school district, training and supporting educational personnel and carrying out any program or service established by, or requirement imposed pursuant to, this title for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) or (e) of subsection 2 of section 4 of this act.*

*2. If a school district determines that an additional amount of money is necessary to satisfy requirements for maintenance of effort or any other requirement under federal law for pupils with disabilities enrolled in the school district, the school district may transfer the necessary amount of money from the adjusted base per pupil funding received by the school district for that purpose.*

*3. Each school district shall ensure that all weighted funding received by the school district pursuant to paragraph (e) of subsection 2 of section 4 of this act is accounted for separately and distributed directly to each school in which the relevant pupils are enrolled.*

*4. Each public school shall account separately for the adjusted base per pupil funding received by the public school pursuant to paragraph (c) of subsection 2 of section 4 of this act and for each category of weighted funding*

*received by the public school pursuant to paragraph (e) of subsection 2 of section 4 of this act. Unless the provisions of subsection 7 or 8 impose greater restrictions on the use of weighted funding by a public school, the public school must use the weighted funding received for each relevant pupil:*

*(a) As a supplement to the adjusted base per pupil funding received for the pupil; and*

*(b) Solely for the purpose of providing such additional educational programs, services or support as are necessary to ensure the pupil receives a reasonably equal educational opportunity.*

*5. Except as otherwise provided in subsection 6, the separate accounting required by subsection 4 for pupils with disabilities and gifted and talented pupils must include:*

*(a) The amount of money provided to the public school for special education; and*

*(b) The cost of:*

*(1) Instruction provided by licensed special education teachers and supporting staff;*

*(2) Related services, including, without limitation, services provided by psychologists, therapists and health-related personnel;*

*(3) Transportation of the pupils with disabilities and gifted and talented pupils to and from school;*

*(4) The direct supervision of educational and supporting programs; and*

*(5) The supplies and equipment needed for providing special education.*

*6. Money received from federal sources must be accounted for separately and excluded from the accounting required pursuant to subsection 5.*

*7. A public school that receives weighted funding for one or more at-risk pupils must use that weighted funding only to provide Victory services and, if one or more at-risk pupils for whom the school received weighted funding in the at-risk pupil category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such at-risk pupil which are appropriate for each category to which the at-risk pupil belongs.*

*8. A public school that receives weighted funding for one or more pupils who are English learners must use that weighted funding only to provide Zoom services and, if one or more English learners for whom the school received weighted funding in the English learner category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such English learner which are appropriate for each category to which the English learner belongs.*

*9. The ~~[Commission]~~ Department shall adopt regulations prescribing the maximum amount of money that each school district may deduct for its administrative expenses from the adjusted base per pupil funding received by the school district. When adopting such regulations, the ~~[Commission]~~ Department may express the maximum amount of money that may be deducted*

*as a percentage of the adjusted base per pupil funding received by the school district.*

*10. As used in this section:*

*(a) "Victory services" means any one or more of the following services:*

*(1) A prekindergarten program provided free of charge.*

*(2) A summer academy or other instruction for pupils provided free of charge at times during the year when school is not in session.*

*(3) Additional instruction or other learning opportunities provided free of charge at times of day when school is not in session.*

*(4) 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 at-risk pupils.*

*(5) Incentives for hiring and retaining teachers and other licensed educational personnel who provide Victory services.*

*(6) Employment of paraprofessionals, other educational personnel and other persons who provide Victory services.*

*(7) A reading skills center.*

*(8) Integrated student supports, wrap-around services and evidence-based programs designed to meet the needs of at-risk pupils.*

*(9) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a Victory service by the Superintendent of Public Instruction.*

*(b) "Zoom services" means any one or more of the following services:*

*(1) A prekindergarten program provided free of charge.*

*(2) A reading skills center.*

*(3) Professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners.*

*(4) Incentives for hiring and retaining teachers and other licensed educational personnel who provide Zoom services.*

*(5) Engagement and involvement with 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.*

*(6) A summer academy or, for those schools that do not operate on a traditional school calendar, an intersession academy provided free of charge, including, without limitation, the provision of transportation to attend the summer academy or intersession academy.*

*(7) An extended school day.*

*(8) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a Zoom service by the Superintendent of Public Instruction.*

Sec. 9. *1. ~~[For]~~ Except as otherwise provided in subsection 5, for the purpose of establishing budgetary estimates for expenditures and revenues for the State Education Fund as prescribed by the State Budget Act, the Governor shall , to the extent practicable, ensure that an amount of money in the State General Fund is reserved in the proposed executive budget for transfer to the State Education Fund which is sufficient to fully fund:*

*(a) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will increase by a rate that is greater than the combined rate of inflation and the growth of enrollment in the public schools in this State in the immediately preceding biennium, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium increased by an amount not less than the rate of increase for the revenue collected by the State as projected by the Economic Forum.*

*(b) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will increase by a rate that is not greater than the combined rate of inflation and the growth of enrollment in the public schools in this State in the immediately preceding biennium, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium increased by an amount not less than the combined rate of inflation and the growth of enrollment in the public schools in this State.*

*(c) If the Economic Forum projects that the revenue collected by the State for general, unrestricted uses will decrease, an amount of money in the State General Fund for transfer to the State Education Fund for the subsequent biennium which is not less than the amount of money transferred to the State Education Fund from the State General Fund for the immediately preceding biennium decreased by an amount not greater than the rate of decrease for the revenue collected by the State as projected by the Economic Forum.*

*2. ~~[As]~~ Except as otherwise provided in subsection 5, as part of the proposed executive budget, the Governor shall , to the extent practicable, include recommendations for:*

*(a) The statewide base per pupil funding amount, which must be equal to the statewide base per pupil funding amount for the immediately preceding biennium increased by an amount not less than the combined rate of inflation and the growth of enrollment in the public schools in this State unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of section 2 of this act, decreases from the immediately preceding biennium, in which event the Governor must recommend a proportional reduction to both the statewide base per pupil funding amount and the multiplier for each category of pupils pursuant to paragraph (b); and*

*(b) The multiplier for each category of pupils, which must not be less than the multiplier for the immediately preceding biennium unless:*

*(1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of section 2 of this act, decreases from the immediately preceding biennium, in which event the Governor must recommend a proportional reduction to both the statewide base per pupil funding amount pursuant to paragraph (a) and the multiplier for each category of pupils; or*

*(2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of section 2 of this act, increases from the preceding fiscal year but in an amount which, after recommending the statewide base per pupil funding amount pursuant to paragraph (a), is insufficient to fund the multiplier for each category of pupils, in which event the Governor must recommend the remaining money in the State Education Fund, excluding the Education Stabilization Account or any account created pursuant to subsection 5 of section 2 of this act, be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year.*

*3. When determining the amount of money to reserve for transfer from the State General Fund to the State Education Fund pursuant to subsection 1, the Governor shall consider the recommendations of the Commission , as revised by the Legislative Committee on Education, if applicable, for an optimal level of funding for education and may reserve an additional amount of money for transfer to the State Education Fund that the Governor determines to be sufficient to fund any recommendation or any portion of a recommendation that the Governor includes in the proposed executive budget.*

*4. As part of the proposed executive budget, the Governor may recommend to the Legislature a revision to any appropriation made by law pursuant to section 4 of this act, including, without limitation, the statewide base per pupil funding amount, the adjusted base per pupil funding for any school district, the multiplier for weighted funding for any category of pupils or the creation or elimination of a category of pupils to receive additional weighted funding. The Governor may recommend additional funding for any recommendation made pursuant to this subsection . ~~[, but shall not include in the proposed executive budget a total amount of funding for the State Education Fund which is less than the amount required pursuant to subsection 1 regardless of any recommendation made pursuant to this subsection.]~~*

*5. If the Governor determines that it would be impracticable to prepare the proposed executive budget as described in subsection 1 or 2, the Governor may instead include in the proposed executive budget a recommendation for such funding for the public schools in this State as he or she determines to be appropriate. If the Governor includes in the proposed executive budget recommendations pursuant to this subsection, the recommendations must be*

*accompanied by such recommendations for legislation as the Governor determines to be appropriate to improve the method by which funding for the public schools in this State is determined.*

*6. As used in this section, "rate of inflation" means the percentage of increase or decrease in the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding calendar year or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Governor.*

Sec. 10. *1. The Commission on School Funding, consisting of 11 members, is hereby created.*

*2. The Commission consists of the following members, who may not be Legislators:*

*(a) One member appointed by the Governor, who serves as Chair;*

*(b) Two members appointed by the Majority Leader of the Senate;*

*(c) Two members appointed by the Speaker of the Assembly;*

*(d) One member appointed by the Minority Leader of the Senate;*

*(e) One member appointed by the Minority Leader of the Assembly;*

*(f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000 pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and*

*(g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization.*

➥ *In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.*

*3. Each member of the Commission must:*

*(a) Be a resident of this State;*

*(b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;*

*(c) Have relevant experience in public education;*

*(d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;*

*(e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and*

*(f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.*

*4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.*

*5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.*

*6. The Commission shall:*

*(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.*

*(b) Adopt such rules governing the conduct of the Commission as it deems necessary.*

*(c) Hold its first meeting on or before October 1, 2019, and hold such additional number of meetings as may be necessary to accomplish the tasks assigned to it in the time allotted.*

*7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.*

*8. The ~~[Director of the Legislative Counsel Bureau]~~ Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance. The ~~[Director of the Legislative Counsel Bureau,]~~ Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services. ~~[To the extent money is available for this purpose, the Commission may contract with one or more persons to provide independent technical expertise to the Commission.]~~*

*9. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

Sec. 11. *1. The Commission shall:*

*(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.*

*(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the ~~[Governor or the Legislature]~~ Legislative Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.*

*(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to section 4 of this act for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately*

*preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.*

*(d) Review the laws and regulations of this State relating to education, make recommendations to the ~~[Governor and the Legislature]~~ Legislative Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.*

*(e) Review and ~~[revise]~~ recommend to the Department revisions of the cost adjustment factors for each county established pursuant to section 5 of this act, the method for determining the adjustment for each necessarily small school established pursuant to section 6 of this act and the method for calculating the small district equity adjustment established pursuant to section 7 of this act.*

*2. ~~[Before finalizing and transmitting any recommendation pursuant to paragraphs (a) to (d), inclusive, of subsection 1, the]~~ The Commission shall present ~~[the recommendation]~~ any recommendations pursuant to paragraphs (a) to (d), inclusive, of subsection 1 at a meeting of the Legislative Committee on Education for consideration and revision by the Committee. ~~[After the meeting, the Commission shall consider any revisions of the]~~ The Legislative Committee on Education shall review each recommendation of the Commission and determine whether to ~~[include those revisions before transmitting its recommendations.~~*

*~~3. The Commission may request information directly from any state agency, local government, school district or public school of this State. A state agency, local government, school district or public school that receives a reasonable request for information from the Commission shall comply with the request as soon as is reasonably practicable after receiving the request.~~*

*~~4. The Commission may request direct testimony from any state agency, local government, school district or public school of this State at a meeting of the Commission. The head, or a designee thereof, of an entity which receives a reasonable request pursuant to this subsection shall appear at the meeting and shall comply with the request.]~~ transmit the recommendation or a revised version of the recommendation to the Governor or the Legislature.*

Sec. 12. *1. On or before February 1 of each odd-numbered year, the Department shall create a report that includes a description of the personnel and services that the Department reasonably believes an average elementary school, middle school and high school in this State could employ and provide using the amount of money for public education contained in the proposed executive budget submitted by the Governor to the Legislature pursuant to NRS 353.230 when combined with all other money expected to be available for public education and submit the report to the Commission for review. The Commission shall review the report and provide to the Department any recommendations for revision of the report that the Commission determines to be appropriate. The Department shall consider the recommendations of the*

*Commission, submit a final report to the Director of the Legislative Counsel Bureau for transmission to the Legislature and post the final report on an Internet website maintained by the Department not later than March 1 of each odd-numbered year.*

*2. On or before July 1 of each year, the Department shall create a report that includes a description of the personnel and services that the Department reasonably believes an average elementary school, middle school and high school in this State could employ and provide using the amount of money for public education appropriated by the Legislature when combined with all other money expected to be available for public education and submit the report to the Commission for review. The Commission shall review the report and provide any recommendations for revision of the report that it determines to be appropriate to the Department. The Department shall consider the recommendations of the Commission, submit a final report to the Director of the Legislative Counsel Bureau for transmission to the Legislative Committee on Education and post the final report on an Internet website maintained by the Department not later than August 1 of each year.*

*3. On or before October 1 of each year, each school district shall create a report that includes a description of the personnel employed and services provided by the school district during the immediately preceding school year and any changes that the school district anticipates making to the personnel and services during the current school year. The school district shall post a copy of the report on the Internet website maintained by the school district.*

*4. On or before October 1 of each year, each public school shall create a report that includes a description of the personnel employed and services provided by the school during the immediately preceding school year and any changes the school anticipates making to the personnel and services during the current school year. The public school shall provide a written copy of the report to the parent or legal guardian of each pupil who attends the public school and, if the public school maintains an Internet website, post a copy of the report on the website.*

*5. The Department shall prescribe by regulation the format and contents of the information to be provided to create the reports required pursuant to subsections 1 and 2 by the Department and for the report created by each school district pursuant to subsection 3 and each public school pursuant to subsection 4. The reports must include, as applicable and without limitation:*

*(a) Each grade level at which the public school enrolls pupils;*

*(b) The number of pupils attending the public school;*

*(c) The average class size at the public school;*

*(d) The number of persons employed by the public school to provide instruction, support to pupils, administrative support and other personnel including, without limitation, the number of employees in any subgroup of each type or classification of personnel as prescribed by the Department;*

*(e) The professional development provided to each teacher at the public school;*

*(f) The amount of money spent per pupil for supplies, materials, equipment and textbooks;*

*(g) For each category of pupils for which the public school receives any additional funding, including, without limitation, pupils with disabilities, pupils who are English learners, at-risk pupils and gifted and talented pupils:*

*(1) The number of pupils in each category who attend the public school;*

*(2) If the Department determines that pupils within a category must be divided based on severity of need, the number of pupils in each such subcategory; and*

*(3) The number of persons employed to provide instruction, support to pupils, administrative support and other personnel employed by the public school and dedicated to providing services to each category or subcategory of pupils, including, without limitation, any subgroup of each kind of personnel prescribed by the Department;*

*(h) The total amount of money received to support the operations of the public school, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount;*

*(i) The total amount of money received by the public school as adjusted base per pupil funding, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount; and*

*(j) The amount of money received by the public school as weighted funding for each category of pupils supported by weighted funding, divided by the number of pupils enrolled in the public school who are identified in the appropriate category and expressed as a per pupil amount for each category.*

Sec. 13. NRS 387.030 is hereby amended to read as follows:

387.030 All money derived from interest on the State Permanent School Fund, together with all money derived from other sources provided by law, must:

1. Except as otherwise provided in NRS 387.191 , ~~[and 387.193,]~~ be placed in the State ~~[Distributive School Account which is hereby created in the State General]~~ *Education* Fund; and

2. Except as otherwise provided in NRS 387.528, be apportioned among the several school districts and charter schools of this State at the times and in the manner provided by law.

Sec. 14. NRS 387.047 is hereby amended to read as follows:

387.047 1. Except as otherwise provided in this section, each school district and charter school shall separately account for all money received for the instruction of and the provision of related services to ~~[pupils with disabilities,]~~ pupils who receive early intervening services . ~~[and gifted and talented pupils described by NRS 388.419 and 388.5267.]~~

2. The separate accounting must include:

(a) The amount of money provided to the school district or charter school for special education for basic support;

(b) Transfers of money from the general fund of the school district or charter school needed to balance the special revenue fund; *and*

(c) ~~[The cost of:~~

~~(1) Instruction provided by licensed special education teachers and supporting staff;~~

~~(2) Related services, including, but not limited to, services provided by psychologists, therapists and health-related personnel;~~

~~(3) Transportation of the pupils with disabilities and gifted and talented pupils to and from school;~~

~~(4) The direct supervision of educational and supporting programs; and~~

~~(5) The supplies and equipment needed for providing special education; and~~

~~(d)]~~ The amount of money, if any, expended by the school district or charter school for early intervening services provided pursuant to subsection 3 of NRS 388.429.

3. Money received from federal sources must be:

(a) Accounted for separately; and

(b) Excluded from the accounting required pursuant to this section.

Sec. 15. NRS 387.121 is hereby amended to read as follows:

387.121 1. The Legislature declares that the proper objective of state financial aid to public education is to ensure each Nevada child a reasonably equal educational opportunity. Recognizing wide local variations in wealth and costs per pupil, this State should supplement local financial ability to whatever extent necessary in each school district to provide programs of instruction in both compulsory and elective subjects that offer full opportunity for every Nevada child to receive the benefit of the purposes for which public schools are maintained. Therefore, the quintessence of the State's financial obligation for such programs can be expressed ~~[in a formula partially on a per pupil basis and partially on a per program basis as: State financial aid to school districts equals the difference between school district basic support guarantee and local available funds produced by mandatory taxes minus all the local funds attributable to pupils who reside in the county but attend a charter school or a university school for profoundly gifted pupils.]~~ *by combining money raised pursuant to state law at the local level with state money to provide a certain basic level of support to each pupil in this State, adjusted to account for variation in the local costs to provide a reasonably equal educational opportunity to pupils and for the costs of providing a reasonably equal educational opportunity to pupils with certain additional educational needs.* This formula is designated the ~~[Nevada]~~ *Pupil-Centered Funding* Plan.

2. It is the intent of the Legislature ~~[, commencing with Fiscal Year 2016-2017, to provide additional resources to the Nevada Plan expressed as a multiplier of the basic support guarantee to meet the unique needs of certain categories of pupils, including, without limitation, pupils with disabilities, pupils who are English learners, pupils who are at risk and gifted and talented pupils. As used in this subsection, "pupils who are at risk" means pupils who are eligible for free or reduced price lunch pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative measure prescribed by the State Board of Education.]~~

*to accomplish the transition to the Pupil-Centered Funding Plan without causing an unexpected loss of revenue to any school district which may receive less money under the Pupil-Centered Funding Plan than the district received during the fiscal year ending on June 30, 2020. Except as otherwise provided in subsection 3, if a school district would receive less money under the Pupil-Centered Funding Plan than the district received during the fiscal year ending on June 30, 2020, it is the intent of the Legislature that the school district instead receive the same ~~[amount of money]~~ level of funding that the district received during the fiscal year ending on June 30, 2020, and be given the flexibility to reapportion money between its adjusted base per pupil funding and weighted funding in a manner similar to the apportionment of such money in the fiscal year ending on June 30, 2020, to ensure that each pupil in the district receives a reasonably equal educational opportunity.*

*3. It is the intent of the Legislature to ensure that no school district that receives a modified allocation of money as described in subsection 2 receives less ~~[money]~~ funding in a school year than the school district received in the immediately preceding school year unless the enrollment in the school district continues to decline for a period of 2 years or more. In the event of such an enrollment decline, it is the intent of the Legislature to determine an appropriate method to mitigate the effects of a continued decline in enrollment, which may include, without limitation, appropriating money to the school district as if the number of pupils enrolled in the district equaled the average number of pupils enrolled in the district over a rolling 3-year period.*

Sec. 16. NRS 387.1211 is hereby amended to read as follows:

387.1211 As used in NRS 387.121 to ~~[387.1245,]~~ *387.1244,* inclusive ~~[:]~~ *, and sections 2 to 12, inclusive, of this act:*

1. *"At-risk pupil" means a pupil who is eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative measure prescribed by the State Board.*

*2.* "Average daily attendance" means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

~~[2.]~~ *3.* "Average daily enrollment" means the total number of pupils enrolled in and scheduled to attend a public school in a specific school district during a period of reporting divided by the number of days school is in session during that period.

~~[3.]~~ *4. "Commission" means the Commission on School Funding created by section 10 of this act.*

*5.* "Enrollment" means the count of pupils enrolled in and scheduled to attend programs of instruction of a school district, charter school or university school for profoundly gifted pupils at a specified time during the school year.

Sec. 17. NRS 387.1223 is hereby amended to read as follows:

387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the

Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year.

2. Except as otherwise provided in subsection 3, ~~[basic support of]~~ *the yearly apportionment from the State Education Fund for* each school district must be computed by:

(a) Multiplying the ~~[basic support guarantee]~~ *adjusted base* per pupil *funding* established for that school district for that school year by the sum of:

(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, *in a public school in the school district* based on the average daily enrollment of those pupils during the quarter . ~~[, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.]~~

(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, ~~[a charter school located within that school district or a university school for profoundly gifted pupils,]~~ based on the average daily enrollment of those pupils during the quarter.

(3) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750, based on the average daily enrollment of those pupils during the quarter.

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by ~~[a]~~ *the* school district , ~~[or another charter school or receiving a portion of his or her instruction from a participating entity, as defined in NRS 353B.750,]~~ based on the average daily enrollment of those pupils during the quarter.

(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.

(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.

(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.

(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474, subsection 1 of NRS 392.074, or subsection 1 of

NRS 388B.280 or any regulations adopted pursuant to NRS 388B.060 that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school, based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).

(b) Adding *to* the ~~[amounts]~~ *amount* computed in paragraph (a) ~~[.]~~ *the amounts appropriated pursuant to paragraphs (b) and (e) of subsection 2 of section 4 of this act.*

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the ~~[quarterly]~~ *monthly* apportionments from the State ~~[Distributive School Account]~~ *Education Fund* to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State ~~[Distributive School Account]~~ *Education Fund* to that school district or charter school pursuant to NRS 387.124.

5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.

6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing ~~[basic support]~~ *the yearly apportionment* pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing ~~[basic support]~~ *the yearly apportionment* pursuant to this section.

Sec. 18. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the Department for the cost of providing educational services to a child who:

(a) The Department verifies is a patient or resident of the hospital or facility; and

(b) Attends the private school for more than 7 school days.

2. Upon receiving a request for reimbursement, the Department shall determine the amount of reimbursement to which the hospital or facility is entitled as a percentage of the ~~[basic support guarantee]~~ *adjusted base* per pupil *funding for the school district which the child would otherwise attend or the statewide base per pupil funding amount for the charter school which the child would otherwise attend, as applicable,* and withhold that amount from the school district or charter school where the child would attend school if the child were not placed in the hospital or facility. If the child is a pupil with a disability, the hospital or facility is also entitled to a corresponding percentage of the ~~[statewide multiplier included in the basic support guarantee per pupil pursuant to NRS 387.122.]~~ *weighted funding for the pupil established pursuant to section 4 of this act.* The Department shall distribute the money withheld from the school district or charter school to the hospital or facility.

3. For the purposes of subsection 2, the amount of reimbursement to which the hospital or facility is entitled must be calculated on the basis of the number of school days the child is a patient or resident of the hospital or facility and attends the private school, excluding the 7 school days prescribed in paragraph (b) of subsection 1, in proportion to the number of days of instruction scheduled for that school year by the board of trustees of the school district or the charter school, as applicable.

4. The Department shall adopt any regulations necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 19. NRS 387.124 is hereby amended to read as follows:

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

1. On or before ~~[August 1, November 1, February 1 and May 1]~~ *the first day* of each ~~[year,]~~ *month,* the Superintendent of Public Instruction shall apportion the State ~~[Distributive School Account in the State General]~~ *Education* Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating ~~[one-fourth]~~ *one-twelfth* of their respective yearly apportionments less any amount set aside as a reserve ~~[.]~~ *or contained in the Education Stabilization Account or an account created pursuant to subsection 5 of section 2 of this act.*

Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the ~~[difference between the basic support and the local funds available pursuant to NRS 387.163, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school, all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils]~~ *amounts established by law for each school year pursuant to paragraphs (b), (c) and (e) of subsection 2 of section 4 of this act for all pupils who attend a public school operated by the school district* located in the county ~~[and]~~ *, minus* all the funds deposited in education savings accounts established on behalf of children who reside in the county pursuant to NRS 353B.700 to 353B.930, inclusive. ~~[No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.]~~

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

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

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

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

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

Sec. 20. NRS 387.1241 is hereby amended to read as follows:

387.1241 Except as otherwise provided in ~~[this section and]~~ NRS 387.124, 387.1242, 387.1244 and 387.528:

1. The apportionment to a charter school, computed on a yearly basis, is equal to the ~~[sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.163 and all other funds available for public schools in the county in which the pupil resides]~~ *amounts established by law for each school year pursuant to paragraphs (d) and (e) of subsection 2 of section 4 of this act for all pupils who attend the charter school,* minus the sponsorship fee prescribed by NRS 388A.414 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school. ~~[If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.~~

~~2. The apportionment to a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.163 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 388A.414 and minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.~~

~~3.]~~ *2.* The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to NRS 387.124. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all ~~[four]~~ *12* apportionments in advance in its first year of operation.

Sec. 21. NRS 387.1242 is hereby amended to read as follows:

387.1242 Except as otherwise provided in NRS 387.124, 387.1241, 387.1244 and 387.528 ~~[, the]~~ *:*

*1. The* apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the ~~[sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.163 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the~~

~~difference directly to]~~ *amounts established by law for each school year pursuant to paragraphs (d) and (e) of subsection 2 of section 4 of this act for all pupils who attend* the university school.

*2.* The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1 of NRS 387.124. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all ~~[four]~~ *12* apportionments in advance in its first year of operation.

Sec. 22. NRS 387.1243 is hereby amended to read as follows:

387.1243 1. The first apportionment based on an estimated number of pupils and succeeding apportionments are subject to adjustment from time to time as the need therefor may appear, including, without limitation, an adjustment made for a pupil who is not properly enrolled in or attending a public school, as determined through an independent audit or other examination conducted pursuant to NRS 387.1238 or through an annual audit of the count of pupils conducted pursuant to subsection 1 of NRS 387.304.

2. ~~[The apportionments to a school district may be adjusted during a fiscal year by the Department of Education, upon approval by the State Board of Examiners and the Interim Finance Committee, if the Department of Taxation and the county assessor in the county in which the school district is located certify to the Department of Education that the school district will not receive the tax levied pursuant to subsection 1 of NRS 387.195 on property of the Federal Government located within the county if:~~

~~(a) The leasehold interest, possessory interest, beneficial interest or beneficial use of the property is subject to taxation pursuant to NRS 361.157 and 361.159 and one or more lessees or users of the property are delinquent in paying the tax; and~~

~~(b) The total amount of tax owed but not paid for the fiscal year by any such lessees and users is at least 5 percent of the proceeds that the school district would have received from the tax levied pursuant to subsection 1 of NRS 387.195.~~

~~➥ If a lessee or user pays the tax owed after the school district's apportionment has been increased in accordance with the provisions of this subsection to compensate for the tax owed, the school district shall repay to the State Distributive School Account in the State General Fund an amount equal to the tax received from the lessee or user for the year in which the school district received an increased apportionment, not to exceed the increase in apportionments made to the school district pursuant to this subsection.~~

~~3.]~~ On or before August 1 of each year, the board of trustees of a school district shall provide to the Department, in a format prescribed by the Department, the count of pupils calculated pursuant to subparagraph (7) of

paragraph (a) of subsection 2 of NRS 387.1223 who completed at least one semester during the immediately preceding school year.

~~[4.]~~ *3.* If the final computation of apportionment for any school district, charter school or university school for profoundly gifted pupils exceeds the actual amount paid to the school district, charter school or university school for profoundly gifted pupils during the school year, the additional amount due must be paid before September 1. If the final computation of apportionment for any school district, charter school or university school for profoundly gifted pupils is less than the actual amount paid to the school district, charter school or university school for profoundly gifted pupils during the school year, the difference must be repaid to the State ~~[Distributive School Account in the State General]~~ *Education* Fund by the school district, charter school or university school for profoundly gifted pupils before September 25.

Sec. 23. NRS 387.1244 is hereby amended to read as follows:

387.1244 1. The Superintendent of Public Instruction may deduct from an apportionment otherwise payable to a school district, charter school or university school for profoundly gifted pupils pursuant to NRS 387.124 if the school district, charter school or university school:

(a) Fails to repay an amount due pursuant to subsection ~~[4]~~ *3* of NRS 387.1243. The amount of the deduction from the ~~[quarterly]~~ *monthly* apportionment must correspond to the amount due.

(b) Fails to repay an amount due the Department as a result of a determination that an expenditure was made which violates the terms of a grant administered by the Department. The amount of the deduction from the ~~[quarterly]~~ *monthly* apportionment must correspond to the amount due.

(c) Pays a claim determined to be unearned, illegal or unreasonably excessive as a result of an investigation conducted pursuant to NRS 387.3037. The amount of the deduction from the ~~[quarterly]~~ *monthly* apportionment must correspond to the amount of the claim which is determined to be unearned, illegal or unreasonably excessive.

➥ More than one deduction from ~~[a quarterly]~~ *an* apportionment otherwise payable to a school district, charter school or university school for profoundly gifted pupils may be made pursuant to this subsection if grounds exist for each such deduction.

2. The Superintendent of Public Instruction may authorize the withholding of the entire amount of an apportionment otherwise payable to a school district, charter school or university school for profoundly gifted pupils pursuant to NRS 387.124, or a portion thereof, if the school district, charter school or university school for profoundly gifted pupils fails to submit a report or other information that is required to be submitted to the Superintendent, State Board or Department pursuant to a statute. ~~[If a charter school fails to submit a report or other information that is required to be submitted to the Superintendent, State Board or Department through the sponsor of the charter school pursuant to a statute, the Superintendent may only authorize the withholding of the apportionment otherwise payable to the charter school and may not authorize~~

~~the withholding of the apportionment otherwise payable to the sponsor of the charter school.]~~ Before authorizing a withholding pursuant to this subsection, the Superintendent of Public Instruction shall provide notice to the school district, charter school or university school for profoundly gifted pupils of the report or other information that is due and provide the school district, charter school or university school with an opportunity to comply with the statute. Any amount withheld pursuant to this subsection must be accounted for separately in the State ~~[Distributive School Account, does not revert to the State General]~~ *Education* Fund ~~[at the end of a fiscal year]~~ and must be carried forward to the next fiscal year.

3. If, after an amount is withheld pursuant to subsection 2, the school district, charter school or university school for profoundly gifted pupils subsequently submits the report or other information required by a statute for which the withholding was made, the Superintendent of Public Instruction shall immediately authorize the payment of the amount withheld to the school district, charter school or university school for profoundly gifted pupils.

4. A school district, charter school or university school for profoundly gifted pupils may appeal to the State Board a decision of the Superintendent of Public Instruction to deduct or withhold from ~~[a quarterly]~~ *an* apportionment pursuant to this section. The Secretary of the State Board shall place the subject of the appeal on the agenda of the next meeting for consideration by the State Board.

Sec. 24. NRS 387.175 is hereby amended to read as follows:

387.175 The county school district fund is composed of:

1. ~~[All local taxes for the maintenance and operation of public schools.~~ ~~2.]~~ All money received from the Federal Government for the maintenance and operation of public schools.

~~[3.]~~ *2.* Apportionments by this State as provided in NRS 387.124.

~~[4.]~~ *3.* Any other receipts, including gifts, for the operation and maintenance of the public schools in the county school district.

Sec. 25. NRS 387.185 is hereby amended to read as follows:

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

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

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

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

4. Except as otherwise provided in this subsection, unless the Superintendent of Public Instruction authorizes a withholding pursuant to NRS 387.1244, all school money due each charter school must be paid over by the State Treasurer to the governing body of the charter school on ~~[August 1, November 1, February 1 and May 1]~~ *or before the first day* of each ~~[year]~~ *month* or as soon thereafter as the governing body may apply for it, upon the warrant of the State Controller drawn in conformity with the apportionment of the Superintendent of Public Instruction as provided in NRS 387.124. If the Superintendent of Public Instruction has approved, pursuant to subsection ~~[3]~~ *2* of NRS 387.1241, a request for payment of an apportionment 30 days before the apportionment is otherwise required to be made, the money due to the charter school must be paid by the State Treasurer to the governing body of the charter school on ~~[July 1, October 1, January 1 or April 1, as applicable.]~~ *such date.*

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

Sec. 26. NRS 387.191 is hereby amended to read as follows:

387.191 ~~[1.]~~ Except as otherwise provided in this ~~[subsection,]~~ *section,* the proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest must be paid by the county treasurer to the State Treasurer for credit to the State ~~[Supplemental School Support Account, which is hereby created in the State General]~~ *Education* Fund. The county treasurer may retain from the proceeds an amount sufficient to reimburse the county for the actual cost of collecting and administering the tax, to the extent that the county incurs any cost it would not have incurred but for the enactment of this section and

~~[NRS 387.193 or]~~ NRS 244.33561, but in no case exceeding the amount authorized by statute for this purpose. ~~[Any interest or other income earned on the money in the State Supplemental School Support Account must be credited to the Account.~~

~~2. On or before February 1, May 1, August 1 and November 1 of 2020, and on those dates each year thereafter, the Superintendent of Public Instruction shall transfer from the State Supplemental School Support Account all the proceeds of the tax imposed pursuant to NRS 244.33561, including any interest or other income earned thereon, and distribute the proceeds proportionally among the school districts and charter schools of the state. The proportionate amount of money distributed to each school district or charter school must be determined by dividing the number of students enrolled in the school district or charter school by the number of students enrolled in all the school districts and charter schools of the state. For the purposes of this subsection, the enrollment in each school district and the number of students who reside in the district and are enrolled in a charter school must be determined as of each quarter of the school year. This determination governs the distribution of money pursuant to this subsection until the next quarterly determination of enrollment is made. The Superintendent may retain from the proceeds of the tax an amount sufficient to reimburse the Superintendent for the actual cost of administering the provisions of this section and NRS 387.193, to the extent that the Superintendent incurs any cost the Superintendent would not have incurred but for the enactment of this section and NRS 387.193, but in no case exceeding the amount authorized by statute for this purpose.]~~

Sec. 27. NRS 387.195 is hereby amended to read as follows:

387.195 1. Each board of county commissioners shall levy a tax of 75 cents on each $100 of assessed valuation of taxable property within the county for the support of the public schools . ~~[within the county school district.]~~

2. The tax collected pursuant to subsection 1 on any assessed valuation attributable to the net proceeds of minerals must not be considered as available to pay liabilities of the fiscal year in which the tax is collected but must be deferred for use in the subsequent fiscal year. ~~[The annual budget for the school district must only consider as an available source the tax on the net proceeds of minerals which was collected in the prior year.]~~

3. In addition to any tax levied in accordance with subsection 1, each board of county commissioners shall levy a tax for the payment of interest and redemption of outstanding bonds of the county school district.

4. The tax collected pursuant to subsection 1 and any interest earned from the investment of the proceeds of that tax must be ~~[credited to the county's school district fund.]~~ *remitted by the county treasurer to the State Treasurer for credit to the State Education Fund.*

5. The tax collected pursuant to subsection 3 and any interest earned from the investment of the proceeds of that tax must be credited to the county school district's debt service fund.

Sec. 28. NRS 387.205 is hereby amended to read as follows:

387.205 1. Subject to ~~[the limitations set forth in NRS 387.206 and 387.207 and]~~ the provisions of subsection 3, money on deposit in the county school district fund or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, must be used for:

(a) Maintenance and operation of the public schools controlled by the county school district.

(b) Payment of premiums for Nevada industrial insurance.

(c) Rent of schoolhouses.

(d) Construction, furnishing or rental of teacherages, when approved by the Superintendent of Public Instruction.

(e) Transportation of pupils, including the purchase of new buses.

(f) Programs of nutrition, if such expenditures do not curtail the established school program or make it necessary to shorten the school term, and each pupil furnished lunch whose parent or guardian is financially able so to do pays at least the actual cost of the lunch.

(g) Membership fees, dues and contributions to an interscholastic activities association.

(h) Repayment of a loan made from the State Permanent School Fund pursuant to NRS 387.526.

(i) Programs of education and projects relating to air quality pursuant to NRS 445B.500.

2. ~~[Subject to the limitations set forth in NRS 387.206 and 387.207, money]~~ *Money* on deposit in the county school district fund, or in a separate account, if the board of trustees of a school district has elected to establish such an account pursuant to the provisions of NRS 354.603, when available, may be used for:

(a) Purchase of sites for school facilities.

(b) Purchase of buildings for school use.

(c) Repair and construction of buildings for school use.

3. The board of trustees of a school district, in allocating the use of money pursuant to this section, shall prioritize expenditures in a manner which ensures that the budgetary priorities determined pursuant to NRS 387.301 are carried out.

Sec. 29. NRS 387.206 is hereby amended to read as follows:

387.206 1. On or before July 1 of each year, the Department, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall determine ~~[the combined]~~ *a recommended* minimum amount of money ~~[required]~~ to be expended during that fiscal year for textbooks, instructional supplies, instructional software and instructional hardware by all school districts, charter

schools and university schools for profoundly gifted pupils. The amount must be determined by increasing the amount that was established for the Fiscal Year 2004-2005 by the percentage of the change in enrollment between Fiscal Year 2004-2005 and the fiscal year for which the amount is being established, plus any inflationary adjustment approved by the Legislature after Fiscal Year 2004-2005.

2. The Department, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, shall develop or revise, as applicable, a formula for determining the minimum amount of money that each school district, charter school and university school for profoundly gifted pupils is ~~[required]~~ *recommended* to expend each fiscal year for textbooks, instructional supplies, instructional software and instructional hardware. The sum of all of the minimum amounts determined pursuant to this subsection must be equal to the combined minimum amount determined pursuant to subsection 1. The formula must be used only to develop expenditure ~~[requirements]~~ *recommendations* and must not be used to alter the ~~[distribution of money for basic support]~~ *yearly apportionment from the State Education Fund* to school districts, charter schools or university schools for profoundly gifted pupils.

3. Upon approval of the formula pursuant to subsection 2, the Department shall provide written notice to each school district, charter school and university school for profoundly gifted pupils within the first 30 days of each fiscal year that sets forth the ~~[required]~~ *recommended* minimum combined amount of money that the school district, charter school and university school for profoundly gifted pupils ~~[must]~~ *may* expend for textbooks, instructional supplies, instructional software and instructional hardware for that fiscal year. ~~[If a school district, charter school or university school for profoundly gifted pupils is granted a waiver pursuant to NRS 387.2065, the Department shall provide written notice to the school district, charter school or university school within 30 days after the Interim Finance Committee grants the waiver setting forth the revised amount of money that the school district, charter school or university school must expend for textbooks, instructional supplies, instructional software and instructional hardware for the fiscal year.]~~

Sec. 30. NRS 387.2062 is hereby amended to read as follows:

387.2062 1. On or before January 1 of each year, the Department shall determine whether each school district, charter school and university school for profoundly gifted pupils has expended, during the immediately preceding fiscal year, the ~~[required]~~ *recommended* minimum amount of money set forth in the notice ~~[or the revised notice, as applicable,]~~ provided pursuant to subsection 3 of NRS 387.206. In making this determination, the Department shall use the report submitted by:

(a) The school district pursuant to NRS 387.303.

(b) The charter school pursuant to NRS 388A.345.

(c) The university school for profoundly gifted pupils pursuant to NRS 388C.250.

2. Except as otherwise provided in subsection 3, if the Department determines that a school district, charter school or university school for profoundly gifted pupils, as applicable, has not expended the ~~[required]~~ *recommended* minimum amount of money set forth in the notice or the revised notice, as applicable, provided pursuant to subsection 3 of NRS 387.206, ~~[a reduction must be made from the basic support allocation otherwise payable to that school district, charter school or university school for profoundly gifted pupils, as applicable, in an amount that is equal to]~~ the *Department shall publish a report which identifies the* difference between the actual combined expenditure for textbooks, instructional supplies, instructional software and instructional hardware and the minimum ~~[required]~~ *recommended* combined expenditure set forth in the notice ~~[or the revised notice, as applicable,]~~ provided pursuant to subsection 3 of NRS 387.206. ~~[A reduction in the amount of the basic support allocation pursuant to this subsection:~~

~~(a) Does not reduce the amount that the school district, charter school or university school for profoundly gifted pupils, as applicable, is required to expend on textbooks, instructional supplies, instructional software and instructional hardware in the current fiscal year; and~~

~~(b) Must not exceed the amount of basic support that was provided to the school district, charter school or university school for profoundly gifted pupils, as applicable, for the fiscal year in which the minimum expenditure amount was not satisfied.]~~

3. If the actual enrollment of pupils in a school district, charter school or university school for profoundly gifted pupils is less than the enrollment included in the projections used in the biennial budget of the school district submitted pursuant to NRS 387.303, the budget of the charter school submitted pursuant to NRS 388A.345 or the report of the university school for profoundly gifted pupils submitted pursuant to NRS 388C.250, as applicable, the ~~[required]~~ *recommended* expenditure for textbooks, instructional supplies, instructional software and instructional hardware pursuant to NRS 387.206 must be reduced proportionately.

Sec. 31. NRS 387.210 is hereby amended to read as follows:

387.210 Except when the board of trustees of a county school district elects to establish a separate account under the provisions of NRS 354.603, each county treasurer shall:

1. Receive and hold as a special deposit all public school moneys, whether received by the county treasurer from the State Treasurer or ~~[raised by the county for the benefit of the public schools, or]~~ from any other source, and keep separate accounts thereof and of their disbursements.

2. Pay over all public school moneys received by the county treasurer only on warrants of the county auditor, issued upon orders of the board of trustees of the county school district. All orders issued in accordance with law by the board of trustees shall be valid vouchers in the hands of the county auditors for warrants drawn upon such orders.

Sec. 32. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 1 of each year, the board of trustees of each school district shall submit to the Superintendent of Public Instruction and the Department of Taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The school district's actual expenditures in the fiscal year immediately preceding the report.

(c) The school district's proposed expenditures for the current fiscal year.

(d) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(e) The number of employees who received an increase in salary pursuant to NRS 391.161, 391.162 or 391.163 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to NRS 391.161, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.

(f) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

~~[(i) The expenditures from the account created pursuant to subsection 4 of NRS 179.1187. The report must indicate the total amount received by the district in the preceding fiscal year and the specific amount spent on books and computer hardware and software for each grade level in the district.]~~

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. In preparing the agency biennial budget request for the State ~~[Distributive School Account]~~ *Education Fund* for submission to the Office of Finance, the Superintendent of Public Instruction:

(a) Shall compile the information from the most recent compilation of reports submitted pursuant to subsection 2;

(b) May increase the line items of expenditures or revenues based on merit salary increases and cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;

(c) May adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items; and

(d) May consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the *adjusted base* per pupil ~~[basic support guarantee]~~ *funding* for inclusion in the biennial budget request to the Office of Finance.

4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues of the school districts with the apportionment received by those districts from the State ~~[Distributive School Account]~~ *Education Fund* for the preceding year.

5. The request prepared pursuant to subsection 3 must:

(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as requested by the standing committees for the purposes of developing educational programs and providing appropriations for those programs; and

(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230.

Sec. 33. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported each quarter by each school district pursuant to NRS 387.123 and the data reported by each school district pursuant to NRS 388.710 that is used to measure the effectiveness of the implementation of a plan developed by each school district to reduce the pupil-teacher ratio as required by NRS 388.720.

2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared

by each district as required by NRS 387.303, and report the findings of the review to the State Board and the Legislative Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this State or which had any:

(a) Long-term obligations in excess of the general obligation debt limit;

(b) Deficit fund balances or retained earnings in any fund;

(c) Deficit cash balances in any fund;

(d) Variances of more than 10 percent between total general fund revenues and budgeted general fund revenues; or

(e) Variances of more than 10 percent between total actual general fund expenditures and budgeted total general fund expenditures.

3. In preparing its biennial budgetary request for the State ~~[Distributive School Account,]~~ *Education Fund,* consult with the superintendent of schools of each school district or a person designated by the superintendent.

4. Provide, in consultation with the Budget Division of the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 387.528 is hereby amended to read as follows:

387.528 1. If a loan is made from the State Permanent School Fund pursuant to NRS 387.526, the loan must be repaid by the school district from the money that is available to the school district to pay the debt service on the bonds that are guaranteed pursuant to the provisions of NRS 387.513 to 387.528, inclusive, unless payment from that money would cause the school district to default on other outstanding bonds, medium-term obligations or installment-purchase agreements entered into pursuant to the provisions of NRS 350.087 to 350.095, inclusive.

2. If the school district is not able to repay fully the loan, including any accrued interest, in a timely manner pursuant to subsection 1 or by any other lawful means, the State Treasurer shall withhold the payments of money that would otherwise be distributed to the school district from:

(a) The interest earned on the State Permanent School Fund that is distributed among the various school districts; *and*

(b) Distributions ~~[of the local school support tax, which must be transferred by the State Controller upon notification by the State Treasurer; and~~

~~(c) Distributions]~~ from the State ~~[Distributive School Account,]~~ *Education Fund,*

➥ until the loan is repaid, including any accrued interest on the loan. The State Treasurer shall apply the money first to the interest on the loan and, when the interest is paid in full, then to the balance. When the interest and balance on the loan are repaid, the State Treasurer shall resume making the distributions that would otherwise be due to the school district.

Sec. 36. NRS 388.429 is hereby amended to read as follows:

388.429 1. The Legislature declares that funding provided for school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities residing in Nevada through the use of the ~~[statewide multiplier to the basic support guarantee prescribed by NRS 387.122.]~~ *weighted funding prescribed by section 4 of this act.*

2. Subject to the provisions of NRS 388.417 to 388.469, inclusive, the board of trustees of each school district shall make such special provisions as may be necessary for the education of pupils with disabilities.

3. The board of trustees of a school district in a county whose population is less than 700,000 may provide early intervening services. Such services must be provided in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.

4. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.417 to 388.469, inclusive. The criteria must prohibit the placement of a pupil in a program for pupils with disabilities solely because the pupil is a disciplinary problem in school. The criteria are subject to such standards as may be prescribed by the State Board.

Sec. 37. NRS 388A.345 is hereby amended to read as follows:

388A.345 1. On or before November 1 of each year, the governing body of each charter school shall submit to the sponsor of the charter school, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmission to the Majority Leader of the Senate and the Speaker of the Assembly a report that includes:

(a) A written description of the progress of the charter school in achieving the mission and goals of the charter school set forth in its application.

(b) For each fund maintained by the charter school, including, without limitation, the general fund of the charter school and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the governing body in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the final budget of the charter school, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(c) The actual expenditures of the charter school in the fiscal year immediately preceding the report.

(d) The proposed expenditures of the charter school for the current fiscal year.

(e) The salary schedule for licensed employees and nonlicensed teachers in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been

completed at the time the salary schedule is submitted, the governing body shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations.

(f) The number of employees eligible for health insurance within the charter school for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(g) The rates for fringe benefits, excluding health insurance, paid by the charter school for its licensed employees in the preceding and current fiscal years.

(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Office of Finance and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Office of Finance, a compilation of the reports made by each governing body pursuant to subsection 1.

3. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the charter schools with the apportionment received by those schools from the State ~~[Distributive School Account]~~ *Education Fund* for the preceding year.

Sec. 38. NRS 388A.393 is hereby amended to read as follows:

388A.393 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State ~~[Distributive School Account;]~~ *Education Fund;*

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization;

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school;

(m) Require automatic renewal of the contract or provide that the contract remains in effect if the governing body of a charter school is reconstituted or a charter contract is terminated pursuant to NRS 388A.300 or 388A.330, as applicable;

(n) Contain any provision that would delay or prevent the approval of an application by the governing body of the charter school for an exemption from federal taxation pursuant to 26 U.S.C. § 501(c)(3);

(o) Require the governing body of the charter school to pay any costs associated with ensuring that services comply with state and federal law;

(p) Provide that the contractor or educational management organization is not liable for failing to comply with the requirements of the contract; or

(q) Provide for the enforcement of terms of the contract that conflict with an applicable charter contract or federal or state law.

2. As used in this section, "contractor" or "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to

assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 39. NRS 388A.411 is hereby amended to read as follows:

388A.411 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the *charter* school ~~[district]~~ for the purposes of apportionments and allowances from the State ~~[Distributive School Account]~~ *Education Fund* pursuant to NRS 387.121 to ~~[387.1245,]~~ *387.1244,* inclusive, *and sections 2 to 12, inclusive, of this act,* unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

2. The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department . ~~[, including local funds pursuant to NRS 387.163.]~~

3. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

4. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

Sec. 39.5. NRS 388A.414 is hereby amended to read as follows:

388A.414 1. Upon completion of each school quarter, the Superintendent of Public Instruction shall pay to the sponsor of a charter school one-quarter of the yearly sponsorship fee for the administrative costs associated with sponsorship for that school quarter, which must be deducted from the ~~[quarterly]~~ *monthly* apportionment to the charter school made pursuant to NRS 387.124 and 387.1241. Except as otherwise provided in subsection 2, the yearly sponsorship fee for the sponsor of a charter school must be in an amount of money not to exceed 2 percent of the total amount of

money apportioned to the charter school during the school year pursuant to NRS 387.124 and 387.1241.

2. If the governing body of a charter school satisfies the requirements of this section, the governing body may submit a request to the sponsor of the charter school for approval of a sponsorship fee in an amount that is less than 2 percent but at least 1 percent of the total amount of money apportioned to the charter school during the school year pursuant to NRS 387.124 and 387.1241.

3. The sponsor of the charter school shall approve such a request if the sponsor of the charter school determines that the charter school satisfies the requirements of this subsection. If the sponsor of the charter school approves such a request, the sponsor shall provide notice of the decision to the governing body of the charter school and the Superintendent of Public Instruction. If the sponsor of the charter school denies such a request, the governing body of the charter school may appeal the decision of the sponsor to the Superintendent of Public Instruction.

4. Upon appeal, the sponsor of the charter school and the governing body of the charter school are entitled to present evidence. The decision of the Superintendent of Public Instruction on the appeal is final and is not subject to judicial review.

5. The governing body of a charter school may submit a request for a reduction of the sponsorship fee pursuant to this section if:

(a) The charter school satisfies the requirements of subsection 1 of NRS 388A.405; and

(b) There has been a decrease in the duties of the sponsor of the charter school that justifies a decrease in the sponsorship fee.

Sec. 40. NRS 388A.417 is hereby amended to read as follows:

388A.417 1. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school.

2. The count of pupils who are enrolled in the charter school must be revised each quarter based on the average daily enrollment of pupils in the charter school that is reported for that quarter pursuant to NRS 387.1223.

3. Pursuant to subsection ~~[3]~~ *2* of NRS 387.1241, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

4. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 and 387.1241 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

Sec. 41. NRS 388B.230 is hereby amended to read as follows:

388B.230 1. After the governing body of an achievement charter school is appointed pursuant to NRS 388B.220, the governing body shall select the principal of the achievement charter school. The principal shall review each employee of the achievement charter school to determine whether to offer the employee a position in the achievement charter school based on the needs of the school and the ability of the employee to meet effectively those needs. The board of trustees of the school district in which the achievement charter school is located shall reassign any employee who is not offered a position in the achievement charter school or does not accept such a position in accordance with any collective bargaining agreement negotiated pursuant to chapter 288 of NRS.

2. An achievement charter school must continue to operate in the same building in which the school operated before being converted to an achievement charter school. The board of trustees of the school district in which the school is located must provide such use of the building without compensation. While the school is operated as an achievement charter school, the governing body of the achievement charter school shall pay all costs related to the maintenance and operation of the building and the board of trustees shall pay all capital expenses.

3. The board of trustees of a school district:

(a) Is not required to give priority to a capital project at a public school that is selected for conversion to an achievement charter school; and

(b) Shall not reduce the priority of such a capital project that existed before the school was selected for conversion.

4. Any pupil who was enrolled at the school before it was converted to an achievement charter school must be enrolled in the achievement charter school unless the parent or guardian of the pupil submits a written notice to the principal of the achievement charter school that the pupil will not continue to be enrolled in the achievement charter school.

5. The governing body of an achievement charter school shall not authorize the payment of loans, advances or other monetary charges to the charter management organization, educational management organization or other person with whom the Executive Director has entered into a contract to operate the achievement charter school which are greater than 15 percent of the total expected funding to be received by the achievement charter school from the State ~~[Distributive School Account.]~~ *Education Fund.*

Sec. 42. NRS 388C.260 is hereby amended to read as follows:

388C.260 1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must be included in the count of pupils in the *university* school ~~[district in which the school is located]~~ for the purposes of apportionments and allowances from the State ~~[Distributive School Account]~~ *Education Fund* pursuant to NRS 387.121 to ~~[387.1245,]~~ *387.1244,* inclusive, *and sections 2*

*to 12, inclusive, of this act*, unless the pupil is exempt from compulsory school attendance pursuant to NRS 392.070.

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

3. All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State.

4. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

5. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised each quarter based upon the average daily enrollment of pupils in the university school reported for the preceding quarter pursuant to subsection 1 of NRS 387.1223.

6. Pursuant to NRS 387.1242, the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

7. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to NRS 387.124 and 387.1242 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

8. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the university school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 43. NRS 388D.040 is hereby amended to read as follows:

388D.040 1. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which

the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the ~~[calculation of basic support]~~ *apportionment to the charter school* pursuant to NRS ~~[387.1223.]~~ *387.1241*. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

2. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

3. Each school district shall allow homeschooled children to participate in all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 390.015.

Sec. 44. NRS 388D.130 is hereby amended to read as follows:

388D.130 1. If an opt-in child seeks admittance or entrance to any public school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the resident school district of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the ~~[calculation of basic support]~~ *apportionment to the charter school* pursuant to NRS ~~[387.1223.]~~ *387.1241*. An opt-in child seeking admittance to public high school must comply with NRS 392.033.

2. A school shall not discriminate in any manner against an opt-in child or a child who was formerly an opt-in child.

3. Each school district shall allow an opt-in child to participate in all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the opt-in child who resides in the school district has adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 390.015.

Sec. 45. NRS 388G.120 is hereby amended to read as follows:

388G.120 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 390.105 and, if applicable for the grade levels of the empowerment school, the college and career readiness assessment administered pursuant to NRS 390.610;

(e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level, which must comply with NRS 388.700 or 388.720, as applicable;

(i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385A.650;

(l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(m) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:

(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State ~~[Distributive School Account]~~ *Education Fund* pursuant to NRS 387.121 to ~~[387.1245,]~~ *387.1244*, inclusive, *and sections 2 to 12, inclusive, of this act,* and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 46. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in this section and except for persons who are supervised pursuant to NRS 391.096, the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4, 5 or 6 must be under administrative supervision when performing any duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Except as otherwise provided in subsection 7, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 pursuant to subsection 5 or 6.

5. Except as otherwise provided in subsection 6, the Superintendent shall not grant an exemption from the provisions of subsection 1 unless:

(a) The duties are within the employee's special expertise or training;

(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;

(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;

(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and

(e) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.

6. Upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 if:

(a) The duties of the unlicensed employee relate to the supervision of pupils attending a course of distance education provided pursuant to NRS 388.820 to 388.874, inclusive, while the pupils are receiving instruction from a licensed employee remotely through any electronic means of communication; and

(b) The unlicensed employee submits his or her fingerprints for an investigation pursuant to NRS 391.033.

7. The exemption authorized by subsection 4, 5 or 6 does not apply to a paraprofessional if the requirements prescribed by the State Board pursuant to NRS 391.094 require the paraprofessional to be directly supervised by a licensed teacher.

8. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

(a) The name of the exempt employee;

(b) The specific instructional duties the exempt employee may perform;

(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and

(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

9. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

10. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

11. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 10, the Superintendent shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

(a) The number of days on which the violation occurred;

(b) The number of pupils in the classroom taught by the teacher's aide; and

(c) The number of dollars of ~~[basic support apportioned to the district]~~ *adjusted base* per pupil *funding established for the school district pursuant to section 4 of this act* per day . ~~[pursuant to NRS 387.1223.]~~

12. Except as otherwise provided in this subsection, a person employed as a teacher's aide or paraprofessional may monitor pupils in a computer laboratory without being directly supervised by licensed personnel. The

provisions of this subsection do not apply to a paraprofessional if the requirements prescribed by the State Board pursuant to NRS 391.094 require the paraprofessional to be directly supervised by a licensed teacher.

13. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the requirements prescribed by the State Board pursuant to NRS 391.094.

Sec. 47. NRS 392.015 is hereby amended to read as follows:

392.015 1. The board of trustees of a school district shall, upon application, allow any pupil who resides on an Indian reservation located in two or more counties to attend the school nearest to the pupil's residence, without regard to the school district in which the pupil's residence is located. For the purposes of apportionment of money, if such a pupil attends a school outside the county in which the pupil resides, the pupil must be counted as being enrolled in the district in which he or she attends school.

2. A pupil who is allowed to attend a school outside the school district in which the pupil's residence is located pursuant to this section must remain in that school for the full school year.

3. The school district which pays the additional costs of transporting a pupil pursuant to this section to a school outside the school district in which the pupil's residence is located is entitled to be reimbursed for those costs. Such additional costs must be paid from the State ~~[Distributive School Account in the State General]~~ *Education* Fund.

4. The provisions of this section do not apply to a pupil who:

(a) Is ineligible to attend public school pursuant to NRS 392.4675; or

(b) Resides on an Indian reservation pursuant to an order issued by a court of competent jurisdiction in another state adjudging the pupil to be delinquent and committing him or her to the custody of a public or private institution or agency in this state.

Sec. 48. NRS 392.016 is hereby amended to read as follows:

392.016 1. If a pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, the pupil may attend a public school that is located in a school district other than the school district in which the pupil resides.

2. If a pupil described in subsection 1 attends a public school that is located in a school district other than the school district in which the pupil resides:

(a) The pupil must be included in the count of pupils of the school district in which the pupil attends school for the purposes of apportionments and allowances from the State ~~[Distributive School Account]~~ *Education Fund* pursuant to NRS 387.121 to ~~[387.1245,]~~ *387.1244,* inclusive ~~[.]~~ *and sections 2 to 12, inclusive, of this act.*

(b) Neither the board of trustees of the school district in which the pupil attends school nor the board of trustees of the school district in which the pupil

resides is required to provide transportation for the pupil to attend the public school.

3. The provisions of this section do not apply to a pupil who is ineligible to attend a public school pursuant to NRS 392.264 or 392.4675.

Sec. 49. NRS 179.1187 is hereby amended to read as follows:

179.1187 1. The governing body controlling each law enforcement agency that receives proceeds from the sale of forfeited property shall establish with the State Treasurer, county treasurer, city treasurer or town treasurer, as custodian, a special account, known as the "..... Forfeiture Account." The account is a separate and continuing account and no money in it reverts to the State General Fund or the general fund of the county, city or town at any time. For the purposes of this section, the governing body controlling a metropolitan police department is the Metropolitan Police Committee on Fiscal Affairs.

2. The money in the account may be used for any lawful purpose deemed appropriate by the chief administrative officer of the law enforcement agency, except that:

(a) The money must not be used to pay the ordinary operating expenses of the agency.

(b) Money derived from the forfeiture of any property described in NRS 453.301 must be used to enforce the provisions of chapter 453 of NRS.

(c) Money derived from the forfeiture of any property described in NRS 501.3857 must be used to enforce the provisions of title 45 of NRS.

(d) Seventy percent of the amount of money in excess of $100,000 remaining in the account at the end of each fiscal year, as determined based upon the accounting standards of the governing body controlling the law enforcement agency that are in place on March 1, 2001, must be distributed to the ~~[school district in the judicial district. If the judicial district serves more than one county, the money must be distributed to the school district in the county from which the property was seized.]~~ *State Education Fund.*

3. Notwithstanding the provisions of paragraphs (a) and (b) of subsection 2, money in the account derived from the forfeiture of any property described in NRS 453.301 may be used to pay for the operating expenses of a joint task force on narcotics otherwise funded by a federal, state or private grant or donation. As used in this subsection, "joint task force on narcotics" means a task force on narcotics operated by the Department of Public Safety in conjunction with other local or federal law enforcement agencies.

~~[4. A school district that receives money pursuant to paragraph (d) of subsection 2 shall deposit such money into a separate account. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account. The money in the account must be used to purchase books and computer hardware and software for the use of the students in that school district.~~

~~5. The chief administrative officer of a law enforcement agency that distributes money to a school district pursuant to paragraph (d) of subsection 2 shall submit a report to the Director of the Legislative Counsel Bureau before~~

~~January 1 of each odd-numbered year. The report must contain the amount of money distributed to each school district pursuant to paragraph (d) of subsection 2 in the preceding biennium.]~~

Sec. 50. NRS 244.3359 is hereby amended to read as follows:

244.3359 1. A county whose population is 700,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351, 244.3352 and 244.33561.

2. A county whose population is 100,000 or more but less than 700,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.33561 and 244A.910.

3. Except as otherwise provided in subsection 2 and NRS 387.191 , ~~[and 387.193,]~~ the Legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.

Sec. 51. NRS 328.450 is hereby amended to read as follows:

328.450 1. The State Treasurer shall deposit in the State ~~[Distributive School Account in the State General]~~ *Education* Fund money received in each fiscal year pursuant to 30 U.S.C. § 191 in an amount not to exceed $7,000,000.

2. Any amount received in a fiscal year by the State Treasurer pursuant to 30 U.S.C. § 191 in excess of $7,000,000 must be deposited in the Account for Revenue from the Lease of Federal Lands, which is hereby created.

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

Sec. 52. NRS 328.460 is hereby amended to read as follows:

328.460 The State Controller shall apportion money in the Account for Revenue from the Lease of Federal Lands as follows:

1. ~~[Twenty-five]~~ *Forty-three and three-quarters* percent to the State ~~[Distributive School Account in the State General]~~ *Education* Fund.

2. ~~[Seventy-five]~~ *Fifty-six and one-quarter* percent to the counties from which the fuels, minerals and geothermal resources are extracted. ~~[Of the amount received by each county, one-fourth must be distributed to the school district in that county.]~~

Sec. 53. NRS 328.470 is hereby amended to read as follows:

328.470 1. The State Controller shall ascertain from the reports received by the State Treasurer the portion of money in the Account for Revenue from the Lease of Federal Lands attributable to activities in each county and apportion the money payable to counties accordingly.

2. All money received:

(a) By the County Treasurer pursuant to this section must be deposited in the general fund of the county *;* ~~[or the county school district fund, as the case may be;]~~ and

(b) By a county ~~[or school district]~~ must be used for:

(1) Construction and maintenance of roads and other public facilities;

(2) Public services; and

(3) Planning.

Sec. 54. NRS 350.011 is hereby amended to read as follows:

350.011 As used in NRS 350.011 to 350.0165, inclusive, unless the context otherwise requires:

1. "Commission" means a debt management commission created pursuant to NRS 350.0115.

2. "Special elective tax" means a tax imposed pursuant to NRS 354.59817, 354.5982, ~~[387.197,]~~ 387.3285 or 387.3287.

Sec. 55. NRS 353.225 is hereby amended to read as follows:

353.225 1. In order to provide some degree of flexibility to meet emergencies arising during each fiscal year in the expenditures for the State ~~[Distributive School Account in the State General]~~ *Education* Fund and for operation and maintenance of the various departments, institutions and agencies of the Executive Department of the State Government, the Chief, with the approval in writing of the Governor, may require the State Controller or the head of each such department, institution or agency to set aside a reserve in such amount as the Chief may determine, out of the total amount appropriated or out of other funds available from any source whatever to the department, institution or agency.

2. At any time during the fiscal year this reserve or any portion of it may be returned to the appropriation or other fund to which it belongs and may be added to any one or more of the allotments, if the Chief so orders in writing.

Sec. 56. NRS 353.268 is hereby amended to read as follows:

353.268 1. When any state agency or officer, at a time when the Legislature is not in session, finds that circumstances for which the Legislature has made no other provision require an expenditure during the biennium of money in excess of the amount appropriated by the Legislature for the biennium for the support of that agency or officer, or for any program, including the State ~~[Distributive School Account in the State General]~~ *Education* Fund, the agency or officer shall submit a request to the State Board of Examiners for an allocation by the Interim Finance Committee from the Contingency Account.

2. The State Board of Examiners shall consider the request, may require from the requester such additional information as they deem appropriate, and shall, if it finds that an allocation should be made, recommend the amount of the allocation to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.

Sec. 57. NRS 353B.860 is hereby amended to read as follows:

353B.860 1. If a parent enters into or renews an agreement pursuant to NRS 353B.850, a grant of money on behalf of the child must be deposited in the education savings account of the child.

2. Except as otherwise provided in subsections 3 and 4, the grant required by subsection 1 must, for the school year for which the grant is made, be in an amount equal to:

(a) For a child who is a pupil with a disability, as defined in NRS 388.417, or a child with a household income that is less than 185 percent of the federally designated level signifying poverty, 100 percent of the statewide ~~[average basic support]~~ *base* per pupil ~~[,]~~ *funding amount;* and

(b) For all other children, 90 percent of the statewide ~~[average basic support]~~ *base* per pupil ~~[.]~~ *funding amount.*

3. If a child receives a portion of his or her instruction from a participating entity and a portion of his or her instruction from a public school, for the school year for which the grant is made, the grant required by subsection 1 must be in a pro rata amount based on the percentage of the total instruction provided to the child by the participating entity in proportion to the total instruction provided to the child.

4. The State Treasurer may deduct not more than 3 percent of each grant for the administrative costs of implementing the provisions of NRS 353B.700 to 353B.930, inclusive.

5. The State Treasurer shall deposit the money for each grant in quarterly installments pursuant to a schedule determined by the State Treasurer.

6. Any money remaining in an education savings account:

(a) At the end of a school year may be carried forward to the next school year if the agreement entered into pursuant to NRS 353B.850 is renewed.

(b) When an agreement entered into pursuant to NRS 353B.850 is not renewed or is terminated, because the child for whom the account was established graduates from high school or for any other reason, reverts to the State General Fund at the end of the last day of the agreement.

Sec. 58. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in subsection 3 and NRS 354.59891 and 354.613, to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve

may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

3. For any local government other than a school district, for the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than 25 percent of the total budgeted expenditures, less capital outlay, for a general fund:

(a) Is not subject to negotiations with an employee organization; and

(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.

*4. For a school district, for the purposes of chapter 288 of NRS, a budgeted ending fund balance of not more than 16.6 percent of the total budgeted expenditures for a county school district fund:*

*(a) Is not subject to negotiations with an employee organization; and*

*(b) Must not be considered by a fact finder or arbitrator in determining the financial ability of the local government to pay compensation or monetary benefits.*

Sec. 59. NRS 360.850 is hereby amended to read as follows:

360.850 1. The State Controller, acting upon the collection data furnished by the Department, shall remit to the governing body of a municipality that adopts an assessment ordinance in accordance with NRS 271.650 in the manner provided pursuant to an agreement made pursuant to NRS 271.660:

(a) From the State General Fund, the amount of money pledged pursuant to the ordinance in accordance with paragraph (a) of subsection 1 of NRS 271.650 which amount is hereby appropriated for that purpose; and

(b) From the Sales and Use Tax Account in the State General Fund, the amount of the proceeds pledged pursuant to the ordinance in accordance with paragraphs (b) and (c) of subsection 1 of NRS 271.650.

2. The governing body of a municipality that adopts an assessment ordinance in accordance with NRS 271.650 shall promptly remit to the State Controller any amount received pursuant to this section in excess of the amount required to carry out the provisions of NRS 271.4315 with regard to the project for which the assessment ordinance was adopted. The State Controller shall deposit any money received from a governing body of a municipality pursuant to this subsection in the appropriate account in the State General Fund for distribution and use as if the money had not been pledged pursuant to an assessment ordinance adopted in accordance with NRS 271.650 in the following order of priority:

(a) First, to the credit of the ~~[county school district fund for the county in which the improvement district is located]~~ *State Education Fund* to the extent that the money would have been transferred to ~~[that fund,]~~ *the Fund*, if not for the pledge of the money pursuant to the assessment ordinance, pursuant to paragraph ~~[(e)]~~ *(c)* of subsection 3 of NRS 374.785 for the fiscal year in which the State Controller receives the money;

(b) Second, to the State General Fund to the extent that the money would not have been appropriated, if not for the pledge of the money pursuant to the assessment ordinance, pursuant to paragraph (a) of subsection 1 for the fiscal year in which the State Controller receives the money; and

(c) Third, to the credit of any other funds and accounts to which the money would have been distributed, if not for the pledge of the money pursuant to the assessment ordinance, for the fiscal year in which the State Controller receives the money.

3. The Nevada Tax Commission may adopt such regulations as it deems appropriate to ensure the proper collection and distribution of any money pledged pursuant to an assessment ordinance adopted in accordance with NRS 271.650.

Sec. 60. NRS 360.855 is hereby amended to read as follows:

360.855 1. The State Controller, acting upon the collection data furnished by the Department, shall remit to the governing body of a municipality that adopts an ordinance pursuant to NRS 271A.070, in the manner provided pursuant to an agreement made pursuant to NRS 271A.100:

(a) From the State General Fund the amount of money pledged pursuant to the ordinance in accordance with subparagraph (1) of paragraph (c) of subsection 1 of NRS 271A.070, which amount is hereby appropriated for that purpose; and

(b) From the Sales and Use Tax Account in the State General Fund the amount of the proceeds pledged pursuant to the ordinance in accordance with subparagraphs (2) and (3) of paragraph (c) of subsection 1 of NRS 271A.070.

2. Except as otherwise provided in subsection 3, the governing body of a municipality that adopts an ordinance pursuant to NRS 271A.070 shall at the end of each fiscal year remit to the State Controller any amount received pursuant to this section in excess of the amount required to make payments due during that fiscal year of the principal of, interest on, and other payments or security-related costs with respect to, any bonds or notes issued pursuant to NRS 271A.120 and payments due during that fiscal year under any agreements made pursuant to NRS 271A.120. The State Controller shall deposit any money received from a governing body of a municipality pursuant to this subsection in the appropriate account in the State General Fund for distribution and use as if the money had not been pledged by an ordinance adopted pursuant to NRS 271A.070, in the following order of priority:

(a) First, to the credit of the ~~[county school district fund for the county in which the improvement district is located]~~ *State Education Fund* to the extent that the money would have been transferred to ~~[that fund,]~~ *the Fund*, if not for the pledge of the money pursuant to that ordinance, pursuant to paragraph ~~[(e)]~~ *(c)* of subsection 3 of NRS 374.785 for the fiscal year in which the State Controller receives the money;

(b) Second, to the State General Fund to the extent that the money would not have been appropriated, if not for the pledge of the money pursuant to that

ordinance, pursuant to paragraph (a) of subsection 1 for the fiscal year in which the State Controller receives the money; and

(c) Third, to the credit of any other funds and accounts to which the money would have been distributed, if not for the pledge of the money pursuant to that ordinance, for the fiscal year in which the State Controller receives the money.

3. The provisions of subsection 2 do not require a governing body to remit to the State Controller any money received pursuant to this section and expended for the purpose of prepaying, defeasing or otherwise retiring all or a portion of any bonds or notes issued pursuant to NRS 271A.120 or of prepaying amounts due under any agreements entered into pursuant to NRS 271A.120, or any combination thereof, with respect to a tourism improvement district if that use of the money has been:

(a) Authorized by the governing body in the ordinance creating the district pursuant to NRS 271A.070, or in an amendment thereto; and

(b) Approved by the governing body and the Commission on Tourism in the manner required to satisfy the requirements of subsections 5 and 6 of NRS 271A.080,

➥ and after the provision of notice to and an opportunity to make comments by the board of county commissioners of the county in which the tourism improvement district is located in accordance with subsection 4 of NRS 271A.080.

4. The Nevada Tax Commission may adopt such regulations as it deems appropriate to ensure the proper collection and distribution of any money pledged by an ordinance adopted pursuant to NRS 271A.070.

Sec. 61. NRS 362.170 is hereby amended to read as follows:

362.170 1. There is hereby appropriated to each county the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation and any royalties paid by that operation, by the combined rate of tax ad valorem, excluding any rate levied by the State of Nevada, for property at that site, plus a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to the county. The Department shall report to the State Controller on or before May 25 of each year the amount appropriated to each county, as calculated for each operation from the final statement made in February of that year for the preceding calendar year. The State Controller shall distribute all money due to a county on or before May 30 of each year.

2. The county treasurer shall apportion to each local government or other local entity an amount calculated by:

(a) Determining the total of the amounts obtained by multiplying, for each extractive operation situated within its jurisdiction, the net proceeds of that operation and any royalty payments paid by that operation, by the rate levied on behalf of that local government or other local entity;

(b) Adding to the amount determined pursuant to paragraph (a) a pro rata share of any penalties and interest collected by the Department for the late payment of taxes distributed to that local government or local entity; and

(c) Subtracting from the amount determined pursuant to paragraph (b) a commission of 5 percent, of which 3 percent must be deposited in the county general fund and 2 percent must be accounted for separately in the account for the acquisition and improvement of technology in the office of the county assessor created pursuant to NRS 250.085.

3. The amounts apportioned pursuant to subsection 2, including, without limitation, the amount retained by the county and excluding the percentage commission, must be applied to the uses for which each levy was authorized in the same proportion as the rate of each levy bears to the total rate.

4. *Any amount apportioned pursuant to subsection 2 for a county school district for any purpose other than capital projects or debt service for the county school district must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.*

*5.* The Department shall report to the State Controller on or before May 25 of each year the amount received as tax upon the net proceeds of geothermal resources which equals the product of those net proceeds multiplied by the rate of tax levied ad valorem by the State of Nevada.

Sec. 62. NRS 362.171 is hereby amended to read as follows:

362.171 1. Each county to which money is appropriated by subsection 1 of NRS 362.170 may set aside a percentage of that appropriation to establish a county fund for mitigation. Money from the fund may be appropriated by the board of county commissioners only to mitigate adverse effects upon the county, or the school district located in the county, which result from:

(a) A decline in the revenue received by the county from the tax on the net proceeds of minerals during the 2 fiscal years immediately preceding the current fiscal year; or

(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter.

2. ~~[Each school district to which money is apportioned by a county pursuant to subsection 2 of NRS 362.170 may set aside a percentage of the amount apportioned to establish a school district fund for mitigation. Except as otherwise provided in subsection 3, money from the fund may be used by the school district only to mitigate adverse effects upon the school district which result from:~~

~~(a) A decline in the revenue received by the school district from the tax on the net proceeds of minerals;~~

~~(b) The opening or closing of an extractive operation from the net proceeds of which revenue has been or is reasonably expected to be derived pursuant to this chapter; or~~

~~(c) Expenses incurred by the school district arising from a natural disaster.~~

~~3. In addition to the authorized uses for mitigation set forth in subsection 2, a~~] *A* school district in a county whose population is less than 4,500 may, as the board of trustees of the school district determines is necessary, use *a portion of* the money ~~[from the fund established]~~ *apportioned to the school district* pursuant to subsection 2 *of NRS 362.170* ~~[.~~

~~(a) To~~] *to* retire bonds issued by the school district or any other outstanding obligations of the school district . ~~[; and~~

~~(b) To continue the instructional programs of the school district or the services and activities that are necessary to support those instructional programs, which would otherwise be reduced or eliminated if not for the provisions of this section.~~

~~➥~~] Before authorizing the expenditure of money pursuant to this subsection, the board of trustees shall hold at least one public hearing on the matter.

Sec. 63. NRS 364.127 is hereby amended to read as follows:

364.127 1. A board of county commissioners that imposes a tax on the gross receipts from the rental of transient lodging pursuant to subsection 1 of NRS 244.3352 shall require by ordinance and take such additional action as may be necessary to require:

(a) The payment of the proceeds of the tax which are required to be distributed pursuant to paragraph (a) of subsection 1 of NRS 244.3354 or paragraph (a) of subsection 2 of NRS 244.3354 to the Department of Taxation on or before the last day of the month immediately following the month for which the tax is collected; and

(b) The schedule for the payment of the tax by persons in the business of providing lodging to provide for the payment of the tax in a sufficiently timely manner to carry out the provisions of paragraph (a).

2. A board of county commissioners that imposes a tax on the gross receipts from the rental of transient lodging pursuant to subsection 1 of NRS 244.33561 shall require by ordinance and take such additional action as may be necessary to require:

(a) The payment of the proceeds of the tax which are required to be distributed pursuant to ~~[subsection 1 of]~~ NRS 387.191 to the State Treasurer on or before the last day of the month immediately following the month for which the tax is collected; and

(b) The schedule for the payment of the tax by persons in the business of providing lodging to provide for the payment of the tax in a sufficiently timely manner to carry out the provisions of paragraph (a).

3. The city council or other governing body of an incorporated city that imposes a tax on the gross receipts from the rental of transient lodging pursuant to subsection 1 of NRS 268.096 shall require by ordinance and take such additional action as may be necessary to require:

(a) The payment of the proceeds of the tax which are required to be distributed pursuant to paragraph (a) of subsection 1 of NRS 268.0962 or paragraph (a) of subsection 2 of NRS 268.0962 to the Department of Taxation

on or before the last day of the month immediately following the month for which the tax is collected; and

(b) The schedule for the payment of the tax by persons in the business of providing lodging to provide for the payment of the tax in a sufficiently timely manner to carry out the provisions of paragraph (a).

Sec. 64. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a cultivation facility to another medical marijuana establishment at the rate of 15 percent of the fair market value at wholesale of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the cultivation facility.

2. An excise tax is hereby imposed on each retail sale in this State of marijuana or marijuana products by a retail marijuana store at the rate of 10 percent of the sales price of the marijuana or marijuana products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the retail marijuana store.

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

3. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Department and to local governments in an amount determined to be necessary by the Department to pay the costs of the Department and local governments in carrying out the provisions of chapter 453A of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State ~~[Distributive School Account in the State General]~~ *Education* Fund.

4. For the purpose of subsection 3 and NRS 453D.510, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to NRS 453D.500 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 453A and 453D of NRS. The Department shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 453A and 453D of NRS.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be paid over as collected to the State Treasurer to be deposited to the credit of the ~~[Account to Stabilize the Operation of the State Government created in the]~~ State ~~[General]~~ *Education* Fund . ~~[pursuant to NRS 353.288.]~~

6. As used in this section:

(a) "Local government" has the meaning ascribed to it in NRS 360.640.

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

(c) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 65. NRS 374.015 is hereby amended to read as follows:

374.015 The Legislature, having carefully considered the needs of the public school system and the financial resources of the State of Nevada, and its several classes of local governments, finds and declares:

1. That sound principles of government require an increased contribution ~~[by the local district, which controls its schools, to their]~~ *for the* support ~~[.]~~ *of the public schools in this State.*

2. That such an increase equitably should not and economically cannot be provided through an increase in the tax upon property.

3. That there is no other object of taxation, except retail sales, which is so generally distributed among the several school districts in proportion to their respective population and wealth as to be suitable for the imposition of a tax in each school district for the support of ~~[its local]~~ *the public* schools.

4. That it is therefore necessary to impose, in addition to the sales and use taxes enacted in 1955 to provide revenue for the State of Nevada, a separate tax upon the privilege of selling tangible personal property at retail in each county to provide revenue for the ~~[school district comprising such county.]~~ *public schools in this State.*

5. That in order to avoid imposing unfair competitive hardships upon merchants in the several counties, it is necessary that such additional tax be imposed:

(a) At the same rate in each county; and

(b) Upon tangible personal property purchased outside this State for use within the State.

6. That the imposition of such a tax at a mandatory and uniform rate throughout the counties of the State makes such tax a fair counterpart to the mandatory property tax levy which it is designed to supplement.

7. That the tax collected upon property purchased outside the State ~~[, which cannot for this reason be returned to its county of origin,]~~ can best serve its purpose of supporting ~~[local]~~ *public* schools if it is channeled to the several school districts through the State ~~[Distributive School Account in the State General]~~ *Education* Fund.

8. That the convenience of the public and of retail merchants will best be served by imposing the local school support tax upon exactly the same transactions, requiring the same reports and making such tax parallel in all respects to the sales and use taxes.

Sec. 66. NRS 374.785 is hereby amended to read as follows:

374.785 1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to counties under this chapter must be paid to the Department in the form of remittances payable to the Department.

2. The Department shall deposit the payments in the State Treasury to the credit of the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall, each month, from the Sales and Use Tax Account in the State General Fund:

(a) Transfer .75 percent of all fees, taxes, interest and penalties collected in each county during the preceding month to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(b) Transfer .75 percent of all fees, taxes, interest and penalties collected during the preceding month from out-of-state businesses not maintaining a fixed place of business within this State to the appropriate account in the State General Fund as compensation to the State for the costs of collecting the tax.

(c) ~~[Determine for each county the amount of money equal to the fees, taxes, interest and penalties collected in the county pursuant to this chapter during the preceding month less the amount transferred pursuant to paragraph (a).~~

~~(d)]~~ Transfer the total amount of *fees,* taxes *, interest and penalties* collected pursuant to this chapter during the preceding month , ~~[from out of state businesses not maintaining a fixed place of business within this State,]~~ less the amount transferred pursuant to ~~[paragraph]~~ *paragraphs (a) and* (b) and excluding any amounts required to be remitted pursuant to NRS 360.850 and 360.855, to the State ~~[Distributive School Account in the State General]~~ *Education* Fund.

~~[(e) Except as otherwise provided in NRS 387.528 or as required to carry out NRS 360.850 and 360.855, transfer the amount owed to each county to the Intergovernmental Fund and remit the money to the credit of the county school district fund.]~~

Sec. 67. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the Department shall collect not more than the following maximum fees:

| | |
|---|---|
| For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary | $30,000 |
| For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary | 5,000 |
| For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility | 3,000 |
| For the renewal of a medical marijuana establishment registration certificate for a cultivation facility | 1,000 |
| For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana infused products | 3,000 |
| For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products | 1,000 |
| For each person identified in an application for the initial issuance of a medical marijuana establishment agent registration card | 75 |

For each person identified in an application for the renewal of a medical marijuana establishment agent registration card ..... 75

For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory ..... 5,000

For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory ..... 3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Department:

(a) A one-time, nonrefundable application fee of $5,000; and

(b) The actual costs incurred by the Department in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Department in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State ~~[Distributive School Account in the State General]~~ *Education* Fund.

Sec. 68. NRS 453D.510 is hereby amended to read as follows:

453D.510 Any tax revenues, fees, or penalties collected pursuant to this chapter first must be expended to pay the costs of the Department and of each locality in carrying out this chapter and the regulations adopted pursuant thereto. The Department shall remit any remaining money to the State Treasurer to be deposited to the credit of the State ~~[Distributive School Account in the State General]~~ *Education* Fund.

Sec. 69. NRS 463.385 is hereby amended to read as follows:

463.385 1. In addition to any other license fees and taxes imposed by this chapter, there is hereby imposed upon each slot machine operated in this State an annual excise tax of $250. If a slot machine is replaced by another, the replacement is not considered a different slot machine for the purpose of imposing this tax.

2. The Commission shall:

(a) Collect the tax annually on or before June 30, as a condition precedent to the issuance of a state gaming license to operate any slot machine for the ensuing fiscal year beginning July 1, from a licensee whose operation is continuing.

(b) Collect the tax in advance from a licensee who begins operation or puts additional slot machines into play during the fiscal year, prorated monthly after July 31.

(c) Include the proceeds of the tax in its reports of state gaming taxes collected.

3. Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the dates set forth in subsection 2. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any slot machine that is operated on the premises of a licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.

4. The Commission shall pay over the tax as collected to the State Treasurer to be deposited to the credit of the State ~~[Distributive School Account in the State General]~~ *Education* Fund, and *of* the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education ~~[,]~~ which are hereby created in the State Treasury as special revenue funds, in the amounts and to be expended only for the purposes specified in this section, or for any other purpose authorized by the Legislature if sufficient money is available in the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education on July 31 of each year to pay the principal and interest due in that fiscal year on the bonds described in subsection 6.

5. During each fiscal year, the State Treasurer shall deposit the tax paid over to him or her by the Commission as follows:

(a) The first $5,000,000 of the tax in the Capital Construction Fund for Higher Education;

(b) Twenty percent of the tax in the Special Capital Construction Fund for Higher Education; and

(c) The remainder of the tax in the State ~~[Distributive School Account in the State General]~~ *Education* Fund.

6. There is hereby appropriated from the balance in the Special Capital Construction Fund for Higher Education on July 31 of each year the amount necessary to pay the principal and interest due in that fiscal year on the bonds issued pursuant to section 5 of chapter 679, Statutes of Nevada 1979, as amended by chapter 585, Statutes of Nevada 1981, at page 1251, the bonds authorized to be issued by section 2 of chapter 643, Statutes of Nevada 1987, at page 1503, the bonds authorized to be issued by section 2 of chapter 614, Statutes of Nevada 1989, at page 1377, the bonds authorized to be issued by section 2 of chapter 718, Statutes of Nevada 1991, at page 2382, the bonds authorized to be issued by section 2 of chapter 629, Statutes of Nevada 1997, at page 3106, and the bonds authorized to be issued by section 2 of chapter 514, Statutes of Nevada 2013, at page 3391. If in any year the balance in that Fund is not sufficient for this purpose, the remainder necessary is hereby appropriated on July 31 from the Capital Construction Fund for Higher Education. The balance remaining unappropriated in the Capital Construction Fund for Higher Education on August 1 of each year and all amounts received

thereafter during the fiscal year must be transferred to the State General Fund for the support of higher education. If bonds described in this subsection are refunded and if the amount required to pay the principal of and interest on the refunding bonds in any fiscal year during the term of the bonds is less than the amount that would have been required in the same fiscal year to pay the principal of and the interest on the original bonds if they had not been refunded, there is appropriated to the Nevada System of Higher Education an amount sufficient to pay the principal of and interest on the original bonds, as if they had not been refunded. The amount required to pay the principal of and interest on the refunding bonds must be used for that purpose from the amount appropriated. The amount equal to the saving realized in that fiscal year from the refunding must be used by the Nevada System of Higher Education to defray, in whole or in part, the expenses of operation and maintenance of the facilities acquired in part with the proceeds of the original bonds.

7. After the requirements of subsection 6 have been met for each fiscal year, when specific projects are authorized by the Legislature, money in the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education must be transferred by the State Controller and the State Treasurer to the State Public Works Board for the construction of capital improvement projects for the Nevada System of Higher Education, including, but not limited to, capital improvement projects for the community colleges of the Nevada System of Higher Education. As used in this subsection, "construction" includes, but is not limited to, planning, designing, acquiring and developing a site, construction, reconstruction, furnishing, equipping, replacing, repairing, rehabilitating, expanding and remodeling. Any money remaining in either Fund at the end of a fiscal year does not revert to the State General Fund but remains in those Funds for authorized expenditure.

8. The money deposited in the State ~~[Distributive School Account in the State General]~~ *Education* Fund under this section must be apportioned as provided in NRS 387.030 among the several school districts and charter schools of the State at the times and in the manner provided by law.

9. The Board of Regents of the University of Nevada may use any money in the Capital Construction Fund for Higher Education and the Special Capital Construction Fund for Higher Education for the payment of interest and amortization of principal on bonds and other securities, whether issued before, on or after July 1, 1979, to defray in whole or in part the costs of any capital project authorized by the Legislature.

Sec. 70. NRS 482.181 is hereby amended to read as follows:

482.181 1. Except as otherwise provided in subsection 5, after deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6 of NRS 482.180, and the amount transferred to the State Highway Fund pursuant to NRS 482.182, the Department shall certify monthly to the State Board of Examiners the amount of the basic and supplemental governmental services taxes collected for each

county by the Department and its agents during the preceding month, and that money must be distributed monthly as provided in this section.

2. Any supplemental governmental services tax collected for a county must be distributed only to the county, to be used as provided in NRS 371.043, 371.045 and 371.047.

3. The distribution of the basic governmental services tax received or collected for each county must be made to the ~~[county school district within each county]~~ *State Education Fund or the fund for capital projects or debt service fund of a county school district, as applicable,* before any distribution is made to a local government, special district or enterprise district. For the purpose of calculating the amount of the basic governmental services tax to be distributed to the ~~[county school district,]~~ *State Education Fund or the fund for capital projects or debt service fund of a county school district, as applicable,* the taxes levied by each local government, special district and enterprise district are the product of its certified valuation, determined pursuant to subsection 2 of NRS 361.405, and its tax rate, established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1980, except that the tax rate for school districts, including the rate attributable to a district's debt service, is the rate established pursuant to NRS 361.455 for the fiscal year beginning on July 1, 1978, but if the rate attributable to a district's debt service in any fiscal year is greater than its rate for the fiscal year beginning on July 1, 1978, the higher rate must be used to determine the amount attributable to debt service.

4. After making the distributions set forth in subsection 3, the remaining money received or collected for each county must be deposited in the Local Government Tax Distribution Account created by NRS 360.660 for distribution to local governments, special districts and enterprise districts within each county pursuant to the provisions of NRS 360.680 and 360.690.

5. An amount equal to any basic governmental services tax distributed to a redevelopment agency in the Fiscal Year 1987-1988 must continue to be distributed to that agency as long as it exists but must not be increased.

6. The Department shall make distributions of the basic governmental services tax directly to ~~[county school districts.]~~ *the State Education Fund or the fund for capital projects or debt service fund of a county school district, as applicable.*

7. As used in this section:

(a) "Enterprise district" has the meaning ascribed to it in NRS 360.620.

(b) "Local government" has the meaning ascribed to it in NRS 360.640.

(c) "Received or collected for each county" means:

(1) For the basic governmental services tax collected on vehicles subject to the provisions of chapter 706 of NRS, the amount determined for each county based on the following percentages:

| | | | |
|---|---|---|---|
| Carson City | 1.07 percent | Lincoln | 3.12 percent |
| Churchill | 5.21 percent | Lyon | 2.90 percent |
| Clark | 22.54 percent | Mineral | 2.40 percent |

| | | | |
|---|---|---|---|
| Douglas | 2.52 percent | Nye | 4.09 percent |
| Elko | 13.31 percent | Pershing | 7.00 percent |
| Esmeralda | 2.52 percent | Storey | 0.19 percent |
| Eureka | 3.10 percent | Washoe | 12.24 percent |
| Humboldt | 8.25 percent | White Pine | 5.66 percent |
| Lander | 3.88 percent | | |

(2) For all other basic and supplemental governmental services tax received or collected by the Department, the amount attributable to each county based on the county of registration of the vehicle for which the tax was paid.

(d) "Special district" has the meaning ascribed to it in NRS 360.650.

Sec. 71. NRS 709.110 is hereby amended to read as follows:

709.110 Every applicant for a franchise for any of the purposes mentioned in NRS 709.050 shall, within 10 days after such franchise is granted, file with the county recorder of such county an agreement properly executed by the grantee of such franchise, right or privilege to pay annually on the first Monday of July of each year to the ~~[county treasurer of the county wherein such franchise, right or privilege is to be exercised,]~~ *State Treasurer for deposit in the State Education Fund* for the benefit of the ~~[county school district fund,]~~ *public schools in this State*, 2 percent of the net profits made by such grantee in the operation of any public utility for which such franchise is granted. No power, function, right or privilege shall be exercised until such agreement shall be filed.

Sec. 72. NRS 709.230 is hereby amended to read as follows:

709.230 1. The grantee of any franchise secured under the provisions of NRS 709.180 to 709.280, inclusive, shall, within 30 days after such franchise is granted, file with the county recorder of such county an agreement, properly executed by the grantee, to pay annually, on the first Monday of July of each year, to the ~~[county treasurer of the county,]~~ *State Treasurer for deposit in the State Education Fund*, for the benefit of the ~~[county school district fund,]~~ *public schools in this State*, 2 percent of the net profits made by such grantee in the operation of such electric light, heat and power lines within the county.

2. No right or privilege shall be exercised under the franchise until the agreement is filed.

Sec. 73. NRS 709.270 is hereby amended to read as follows:

709.270 1. If, upon the hearing of the application, it appears to the satisfaction of the board of county commissioners that the applicant is engaged in the business of furnishing electric light, heat or power within two or more counties, including the county in which the application provided in NRS 709.250 is pending, the board shall thereupon extend the term of the franchise under which the applicant is operating for not exceeding 50 years, including the unexpired portion of the term of such former franchise.

2. The applicant shall, within 30 days after such franchise extending the term of the former franchise is granted, file with the county recorder of such county an agreement, properly executed by the grantee, to pay annually, on the

1st Monday of July of each year, to the ~~[county treasurer of the county,]~~ *State Treasurer for deposit in the State Education Fund,* for the benefit of the ~~[county school district fund,]~~ *public schools in this State,* 2 percent of the net profits made by such grantee in the operation of its electric light, heat and power lines within the county. No extension of the term of the original franchise shall be effective in the county until such agreement shall be filed.

Sec. 74. Section 3 of chapter 389, Statutes of Nevada 2015, at page 2203, is hereby amended to read as follows:

Sec. 3. This act becomes effective upon passage and approval ~~[.]~~ *, and expires by limitation on July 1, 2019.*

Sec. 74.5. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $6,551,530 for allocation to the Department of Education for the implementation of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2021, by the Interim Finance Committee 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 Interim Finance Committee 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. 75. As soon as practicable after July 1, 2019, the appointing authorities identified in subsection 2 of section 10 of this act shall appoint the members of the Commission on School Funding created by section 10 of this act.

Sec. 76. 1. Using such assumptions and data as the Commission determines to be appropriate, the Commission shall project the distribution of funding for the public schools of this State for the 2019-2021 biennium as if the provisions of this act were in effect for the 2019-2021 biennium and compare the projection to the projected distribution of funding under existing law for the 2019-2021 biennium.

2. Using such assumptions and data as the Commission determines to be appropriate, each school district shall project its budget for the 2019-2021 biennium as if the provisions of this act were in effect for the 2019-2021 biennium, compare the projection to its projected budget under existing law for the 2019-2021 biennium and submit both budgets to the Commission on or before May 15, 2020.

3. The Commission shall examine the results of the comparison performed pursuant to subsection 1 and the budgets submitted pursuant to subsection 2 and, on or before ~~[December 1,]~~ July 15, 2020, make recommendations to the Governor and the Legislature for any changes that the Commission determines to be necessary for the successful implementation of this act.

~~[3.]~~ 4. As used in this section, "Commission" means the Commission on School Funding established pursuant to section 10 of this act.

Sec. 77. Notwithstanding the provisions of subsection 1 of section 3 of this act, if the ending fund balance of a county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund for the fiscal year which ends on June 30, 2020, the county school district may maintain an ending fund balance for its county school district fund in the succeeding fiscal year which does not exceed the ending fund balance for the fiscal year which ends on June 30, 2020, and any amount by which the ending fund balance exceeds that amount must be transferred to the Education Stabilization Account created by section 3 of this act. Until the ending fund balance of such a county school district fund reaches 16.6 percent or less of the total budgeted expenditures for the fund, the ending fund balance for such a county school district fund in each subsequent fiscal year may not exceed the ending fund balance for the county school district fund in the immediately preceding fiscal year, and any amount by which the ending funding balance exceeds that amount must be transferred to the Education Stabilization Account created by section 3 of this act.

Sec. 78. Notwithstanding the provisions of subsection 3 of section 8 of this act, for the purpose of carrying out an effective transition from the Nevada Plan to the Pupil-Centered Funding Plan during the 2021-2023 biennium, each school district shall distribute the weighted funding received by the school district pursuant to paragraph (e) of subsection 2 of section 4 of this act in a manner that, to the greatest extent practicable, ensures a reasonably equal educational opportunity for all relevant pupils.

Sec. 79. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 80. NRS 387.122, 387.1245, 387.1247, 387.1251, 387.1253, 387.1255, 387.1257, 387.129, 387.131, 387.133, 387.137, 387.139, 387.163, 387.193, 387.197, 387.2065, 387.2067 and 387.207 are hereby repealed.

Sec. 81. 1. This section and sections 10, 11, 74, 75, 76 and 79 of this act become effective on July 1, 2019.

2. Sections 1 to 9, inclusive, 12 to 73, inclusive, 77, 78 and 80 of this act become effective upon passage and approval for the purpose of creating each school district's budget and the executive budget pursuant to NRS 353.150 to 353.246, inclusive, for the biennium which begins on July 1, 2021, and on July 1, 2021, for all other purposes.

LEADLINES OF REPEALED SECTIONS

387.122 Establishment of basic support guarantees; use, review and revision of equity allocation model to calculate basic support guarantee; Department to make updated information regarding equity allocation model available on Internet website.

387.1245 Emergency financial assistance: Conditions; procedures.

387.1247 Creation of Account; acceptance of gifts and grants; use of money in Account.

387.1251 "Teacher" defined.

387.1253 Creation of Account; use of money in Account; acceptance of gifts, grants, bequests and donations.

387.1255 Distribution of money in Account; board of trustees and governing body to establish special revenue fund; use of money in special revenue fund.

387.1257 Board of trustees and governing bodies to determine manner in which to distribute money to teachers; reimbursement for out-of-pocket expenses; submission, maintenance and inspection of receipts for purchases.

387.129 Creation of Account; use of money in Account; establishment of special revenue fund; use of money in special revenue fund.

387.131 Distribution of money in Account.

387.133 Use of money received by public schools; public school required to consult with certain persons before using money.

387.137 Assessments and examinations used to determine proficiency of pupils for purposes of distributing money; adoption of regulations establishing method for projecting proficiency.

387.139 Department to prescribe school achievement and performance targets to evaluate and track performance of pupils receiving certain services; reporting requirements; independent evaluation of effectiveness of services.

387.163 Local funds available for public schools; reserve of net proceeds of minerals.

387.193 Appropriation of money in State Supplemental School Support Account for operation of school districts and charter schools; authorized uses of money from Account; annual accounting of expenditures required.

387.197 Levy of tax for enhancing safety and security of public schools; report on use of proceeds.

387.2065 Request for waiver by school district, charter school or university school for profoundly gifted pupils from minimum expenditure requirements during economic hardship.

387.2067 Written accounting by school district, charter school or university school for profoundly gifted pupils that receives waiver from minimum expenditure requirements during economic hardship; adjustment of waiver; limitation on use of money to which waiver applies.

387.207 Required annual expenditures for library books, computer software, equipment relating to instruction, and maintenance and repair; exception for certain school districts.

Senator Woodhouse moved that the Senate concur in Assembly Amendment No. 1135 to Senate Bill No. 543.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 557.

The following Assembly amendment was read:

Amendment No. 1137.

SUMMARY—Revises provisions relating to campaign practices. (BDR 24-1272)

AN ACT relating to campaign practices; defining "personal use" of campaign contributions; prohibiting a candidate or public officer from paying himself or herself a salary with campaign contributions; ~~[requiring certain organizations that make monetary contributions to candidates to file a report of such contributions with the Secretary of State;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a candidate to spend money received as a campaign contribution for the candidate's personal use. Existing law also authorizes a candidate who is elected to a public office to use unspent contributions to pay expenses related to the public office. (NRS 294A.160)

Section 6 of this bill clarifies that it is unlawful for a public officer to use unspent contributions for the public officer's personal use. Section 3 of this bill defines "personal use" as the use of contributions to fulfill a commitment, obligation or expense of: (1) a candidate that would exist irrespective of his or her campaign; or (2) a public officer that would exist irrespective of the duties of his or her public office.

Section 6 makes it unlawful for a candidate or public officer to pay himself or herself a salary with campaign contributions.

~~[Existing law requires candidates and certain other persons, committees and political organizations to file with the Secretary of State reports disclosing certain contributions received and campaign expenses and expenditures made. (NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220) Section 4 of this bill requires an organization that makes contributions to candidates during a calendar year, the total of which to all candidates is $10,000 or more, to file a report of those contributions with the Secretary of State. Section 2 of this bill defines "organization." Section 8 of this bill requires the Secretary of State to include these contributions in the compiled information made publicly available by the Secretary of State in each odd-numbered year. Section 9 of this bill provides that an organization that fails to file such a report may be subject to a civil penalty.]~~

Section 9 of this bill increases the existing civil penalty from $5,000 to $10,000 for each violation of the campaign finance laws.

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

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Sec. 2. *"Organization" means:*

*1. Any form of business or social organization; and*

*2. Any nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust, unincorporated organization, labor union, committee for political action, political party and committee sponsored by a political party.*

Sec. 3. *"Personal use" means any use of contributions to fulfill a commitment, obligation or expense of:*

*1. A candidate that would exist irrespective of his or her campaign.*

*2. A public officer that would exist irrespective of the duties of his or her public office,*

*➥ as applicable.*

Sec. 4. ~~*[1. Every organization that makes monetary contributions to candidates, the total of which to all candidates in a calendar year is $10,000 or more, shall report to the Secretary of State not later than January 15 of the following year:*~~

~~*(a) Each contribution in excess of $100 made to a candidate during the previous calendar year; and*~~

~~*(b) The total of all contributions made to candidates during the previous calendar year which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (a).*~~

~~*2. The report must be filed electronically with the Secretary of State and shall be deemed to be filed on the date that it was received by the Secretary of State. The provisions of NRS 294A.3737 do not apply to an organization that is required to file a report pursuant to this section.]*~~ (Deleted by amendment.)

Sec. 5. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 294A.0025 to 294A.014, inclusive, *and sections 2 and 3 of this act,* have the meanings ascribed to them in those sections.

Sec. 6. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for ~~[a]~~ *:*

*(a) A* candidate to spend money received as a contribution ~~[for]~~ *:*

*(1) For* the candidate's personal use ~~[.]~~ *; or*

*(2) To pay himself or herself a salary.*

*(b) A public officer to spend unspent contributions:*

*(1) For the public officer's personal use; or*

*(2) To pay himself or herself a salary.*

2. Notwithstanding the provisions of NRS 294A.286, a candidate or public officer may use contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120 or 294A.200. A candidate or public officer shall not use contributions to satisfy a civil or criminal penalty imposed by law.

3. Every candidate for office at a primary election, general election or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary election,

general election or special election shall dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

4. Every candidate for office at a primary election, general election or special election who withdraws pursuant to NRS 293.202 or 293C.195 after filing a declaration of candidacy or an acceptance of candidacy, is removed from the ballot by court order or is defeated for or otherwise not elected to that office and who received contributions that were not spent or committed for expenditure before the primary election, general election or special election shall, not later than the 15th day of the second month after the election, dispose of the money through one or any combination of the following methods:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; or

(3) Any combination of persons or groups set forth in subparagraphs (1) and (2);

(c) Donate the money to any tax-exempt nonprofit entity; or

(d) Donate the money to any governmental entity or fund of this State or a political subdivision of this State. A candidate who donates money pursuant to this paragraph may request that the money be used for a specific purpose.

5. Every candidate for office who withdraws after filing a declaration of candidacy or an acceptance of candidacy, is defeated for that office at a primary election or is removed from the ballot by court order before a primary election or general election and who received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the primary election or general election, as applicable, return any money in excess of $5,000 to the contributor.

6. Except for a former public officer who is subject to the provisions of subsection 10, every person who qualifies as a candidate by receiving one or

more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy or an acceptance of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

7. Except as otherwise provided in subsection 8, every public officer who:

(a) Does not run for reelection to the office which he or she holds;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 4.

8. Every public officer who:

(a) Resigns from his or her office;

(b) Is not a candidate for any other office and does not qualify as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the effective date of the resignation, dispose of those contributions in the manner provided in subsection 4.

9. Except as otherwise provided in subsection 10, every public officer who:

(a) Does not run for reelection to the office which he or she holds or who resigns from his or her office;

(b) Is a candidate for any other office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.362 for as long as the public officer is a candidate for any office or qualifies as a candidate by receiving one or more qualifying contributions in excess of $100.

10. Every former public officer described in subsection 9 who qualifies as a candidate by receiving one or more qualifying contributions in excess of $100 but who, within 4 years after the date of receiving the first of those qualifying contributions, does not:

(a) File a declaration of candidacy or an acceptance of candidacy; or

(b) Appear on an official ballot at any election,

➥ shall, not later than the 15th day of the month after the end of the 4-year period, dispose of all contributions that have not been spent or committed for expenditure through one or any combination of the methods set forth in subsection 4.

11. In addition to the methods for disposing of the unspent money set forth in this section, a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

12. Any contributions received before a candidate for office at a primary election, general election or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 4.

13. The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

14. As used in this section:

(a) "Contribution" includes, without limitation, any interest and other income earned on a contribution.

(b) "Qualifying contribution" means the receipt of a contribution that causes a person to qualify as a candidate pursuant to subsection 4 of NRS 294A.005.

Sec. 7. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. Any report required pursuant to this chapter must be completed on the form designed and made available by the Secretary of State pursuant to this section.

2. The Secretary of State shall design forms to be used for all reports that are required to be filed pursuant to this chapter.

3. The forms designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

4. The Secretary of State shall make available to each candidate, person, *organization,* committee or political party that is required to file a report pursuant to this chapter:

(a) If the candidate, person, committee or political party has submitted an affidavit to the Secretary of State pursuant to NRS 294A.3733 or 294A.3737, as applicable, a copy of the form; or

(b) If the candidate, person, *organization,* committee or political party is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

5. A report filed pursuant to this chapter must be signed under an oath to God or penalty of perjury. If the candidate, person, *organization,* committee or political party is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the report or form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

Sec. 8. NRS 294A.400 is hereby amended to read as follows:

294A.400 Based on the reports received pursuant to this chapter, the Secretary of State shall, not later than February 15 of each odd-numbered year, prepare and make available for public inspection a compilation of:

1. The following totals for each candidate from whom reports of contributions and campaign expenses are required pursuant to this chapter:

(a) The total amount of monetary contributions to the candidate;

(b) The total amount of goods and services provided to the candidate in kind for which money would otherwise have been paid;

(c) The total amount of loans guaranteed by a third party and forgiveness of any loans previously made to the candidate;

(d) The total amount committed to the candidate via written commitments for contributions; and

(e) The total amount of campaign expenses.

2. The following totals for each person, committee, political party or nonprofit corporation from which reports of contributions and campaign expenses are required pursuant to this chapter:

(a) The total amount of monetary contributions to the person, committee, political party or nonprofit corporation;

(b) The total amount of goods and services provided to the person, committee, political party or nonprofit corporation in kind for which money would otherwise have been paid; and

(c) The total amount of independent expenditures or other expenditures, as applicable, made by the person, committee, political party or nonprofit corporation.

3. The following totals for each committee for political action for which reports of contributions and expenditures are required pursuant to this chapter:

(a) The total amount of monetary contributions to the committee for political action;

(b) The total amount of goods and services provided to the committee for political action in kind for which money would otherwise have been paid; and

(c) The total amount of expenditures made by the committee for political action.

4. The contributions made to and expenditures from a committee for the recall of a public officer in excess of $100.

5. The total contributions received by and expenditures made from a legal defense fund.

~~*[ 6. For an organization required to file a report pursuant to section 4 of this act:*~~

~~*(a) The total contributions made by the organization; and*~~

~~*(b) The total contributions made by the organization to each candidate in excess of $100.]*~~

Sec. 9. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a candidate, person, *organization*, committee, political party or nonprofit

corporation that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.230, 294A.250, 294A.270, 294A.280 or 294A.286 ~~*[and section 4 of this act]*~~ has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that candidate, person, *organization*, committee, political party or nonprofit corporation, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a candidate, person, *organization*, committee, political party or nonprofit corporation that violates an applicable provision of this chapter is subject to a civil penalty of not more than ~~[$5,000]~~ *$10,000* for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a candidate, person, *organization*, committee, political party or nonprofit corporation has reported its contributions, campaign expenses, independent expenditures or other expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section.

5. When considering whether to waive, pursuant to subsection 4, a civil penalty that would otherwise be imposed pursuant to subsection 3, the Secretary of State may consider, without limitation:

(a) The seriousness of the violation, including, without limitation, the nature, circumstances and extent of the violation;

(b) Any history of violations committed by the candidate, person, *organization*, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed;

(c) Any mitigating factor, including, without limitation, whether the candidate, person, *organization*, committee, political party or nonprofit corporation against whom the civil penalty would otherwise be imposed

reported the violation, corrected the violation in a timely manner, attempted to correct the violation or cooperated with the Secretary of State in resolving the situation that led to the violation;

(d) Whether the violation was inadvertent;

(e) Any knowledge or experience the candidate, person, *organization*, committee, political party or nonprofit corporation has with the provisions of this chapter; and

(f) Any other factor that the Secretary of State deems to be relevant.

6. If the Secretary of State waives a civil penalty pursuant to subsection 4, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

7. The remedies and penalties provided by this chapter are cumulative, do not abrogate and are in addition to any other remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to this chapter or NRS 199.120, 199.145 or 239.330.

Sec. 10. 1. The provisions of section 4 of this act do not apply to any contribution made to a candidate by an organization before January 1, 2020.

2. No organization is required to file a report required pursuant to section 4 of this act before January 15, 2021.

Sec. 11. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after June 3, 2019.

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 Ohrenschall moved that the Senate concur in Assembly Amendment No. 1137 to Senate Bill No. 557.

Motion carried by a constitutional majority.

Bill ordered enrolled.

## REMARKS FROM THE FLOOR

Senator Cannizzaro requested that her remarks be entered in the Journal.

I want to take a moment to concur in the remarks my colleague said regarding the Secretary of the Senate about what a wonderful job she has done all Session. It has been my honor to work with you, be here with you and watch you work every day to keep us on track. I want to echo my colleague's comments on that and thank you for a wonderful job well done.

I know we are all tired and have been here a long time doing a lot of work. It has been my true pleasure to be in this position with each and every one of the people sitting on the Senate Floor today. I have made some remarkable friendships, people who I can call friends, in this Body and colleagues whom I admire and respect even when we have differences of opinion. We have done

some wonderful things this Session, and I am proud of the work we have done. As a native Nevadan, I am proud to say we stood up for Nevadans this Legislative Session. Even though it has been a wild ride from time to time, it has been the honor of a lifetime to be here with all of you and to have you allow me to be in this position. Thank you to all of my colleagues. I appreciate all of the hard work we have all done this Session.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 89, 98, 166, 209, 461, 555; Assembly Bills Nos. 155, 164, 168, 216, 267, 289, 300, 345, 393, 524, 534, 536; Assembly Concurrent Resolution No. 9.

## MOTIONS, RESOLUTIONS AND NOTICES

Madam President appointed Senators Woodhouse, Washington and Seevers Gansert as a Committee to wait upon the Assembly and to inform that honorable Body that the Senate is ready to adjourn *sine die*.

Madam President appointed Senators Parks, Harris and Hammond as a Committee to wait upon His Excellency, Steve Sisolak, Governor of the State of Nevada, and to inform him that the Senate is ready to adjourn *sine die*.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:01 a.m.

## SENATE IN SESSION

At 12:02 a.m.
President Marshall presiding.
Quorum present.

A Committee from the Assembly, composed of Assemblywomen Carlton, Monroe-Moreno and Assemblyman Ellison appeared before the bar of the Senate and announced that the Assembly is ready to adjourn *sine die*.

Madam President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 12:03 a.m.

## SENATE IN SESSION

At 12:14 a.m.
President Marshall presiding.
Quorum present.

Senator Woodhouse reported that her Committee has informed the Assembly that the Senate is ready to adjourn *sine die*.

Senator Parks reported that his Committee has informed the Governor that the Senate is ready to adjourn *sine die*.

Senator Cannizzaro moved that the 80th Session of the Senate of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Senate adjourned *sine die* at 12:15 a.m.

Approved:

KATE MARSHALL
*President of the Senate*

Attest: CLAIRE J. CLIFT
*Secretary of the Senate*